

ESTTA Tracking number: **ESTTA528831**Filing date: **03/26/2013**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Petition for Cancellation**

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Vedozi Investment (PTY) Ltd.		
Entity	Corporation	Citizenship	South Africa
Address	19 Koelenhof St. (Van Riebeckshof) Cape Town, 7530 SOUTH AFRICA		

Attorney information	Jeremy D. Bisdorf Jaffe, Raitt, Heuer & Weiss, P.C. 201 S. Main St., Suite 300 Ann Arbor, MI 48104 UNITED STATES trademark@jaffelaw.com, jbisdorf@jaffelaw.com Phone:(734) 222-4776
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Registration Subject to Cancellation

Registration No	3410949	Registration date	04/08/2008
Registrant	Cintron Beverage Group, LLC 7400 Brewster Avenue Philadelphia, PA 19153 UNITED STATES		

Goods/Services Subject to Cancellation


Class 032. First Use: 2006/08/01 First Use In Commerce: 2006/08/01
All goods and services in the class are cancelled, namely: Energy drinks; Sports drinks


Grounds for Cancellation

Deceptiveness	Trademark Act section 2(a)
Consists of or comprises a name, portrait, or signature of a living individual without written consent, or the name, portrait, or signature of a deceased president without the written consent of the surviving spouse	Trademark Act section 2(c)
Abandonment	Trademark Act section 14
The mark is deceptively misdescriptive	Trademark Act section 2(e)(1)
The mark is primarily merely a surname	Trademark Act section 2(e)(4)

Marks Cited by Petitioner as Basis for Cancellation

U.S. Application No.	85370107	Application Date	07/13/2011
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Registration Date	NONE	Foreign Priority Date	02/03/2011
Word Mark	CINTRON		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: Beverages made of tea; Tea; Tea-based beverages Class 032. First use: Aerated water; Beers; Energy drinks; Fruit concentrates and purees used as ingredients of beverages; Fruit drinks; Fruit juice bases; Mineral and aerated waters; Sports drinks		

U.S. Application No.	85370139	Application Date	07/13/2011
Registration Date	NONE	Foreign Priority Date	02/03/2011
Word Mark	CINTRON		
Design Mark			
Description of Mark	The mark consists of The mark consists of the word "CINTRON" in stylized text, with the black text surrounded by a gold outline.		
Goods/Services	Class 030. First use: Beverages made of tea; Tea; Tea-based beverages Class 032. First use: Aerated water; Beers; Energy drinks; Fruit concentrates and purees used as ingredients of beverages; Fruit drinks; Fruit juice bases; Mineral and aerated waters; Sports drinks		

Attachments	85370107#TMSN.jpeg (1 page)(bytes) 85370139#TMSN.jpeg (1 page)(bytes) 949 PFC PETITION - EXHIBIT D.PDF (76 pages)(3927997 bytes) 949 PFC EXHIBIT E - EXHIBIT F.PDF (56 pages)(3796952 bytes) 949 PFC EXHIBIT G - CERTIFICATE OF SERVICE.PDF (3 pages)(623825 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by USPS Express Mail Post Office to Addressee on this date.

Signature	/jdb/
Name	Jeremy D. Bisdorf
Date	03/26/2013

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Registration No. **3,410,949**
For the Mark: **CINTRON 21**

Registered on April 8, 2008 in International Class 032

VEDOZI INVESTMENT (PTY) LTD.,
a South African corporation

Petitioner,

v.

CINTRON BEVERAGE GROUP, LLC,
a Delaware limited liability company

Registrant.

Cancellation No.: _____

Interlocutory Attorney:

PETITION FOR CANCELLATION

Petitioner, Vedozi Investment (PTY) Ltd., a South African corporation, by and through its undersigned counsel, states as follows:

A. Petitioner's Standing to Cancel

1. Petitioner is a South African corporation with an address of 19 Koelenhof St. (Van Riebeckshof), Cape Town, South Africa 7530.
2. On July 13, 2011, Petitioner filed two trademark applications with the United States Patent and Trademark Office (the "Office").
3. The first trademark application filed by Petitioner was for the word mark CINTRON in international classes 030 and 032 and said application was assigned Serial No. 85/370,107 (the "107 Application"). See Exhibit A.

4. The second trademark application filed by Petitioner was for a mark consisting of a stylized design for the word CINTRON in international classes 030 and 032 and said application was assigned Serial No. 85/370,139 (the “‘139 Application”). See Exhibit B.
5. Upon information and belief, Registrant is a Delaware limited liability company with an address of 7400 Brewster Avenue, Philadelphia, Pennsylvania 19153.
6. Registrant is the current listed owner of United States Trademark Registration No. 3,410,949 for the mark CINTRON 21 (the “Mark”) in international class 032 which was registered on April 8, 2008 (the “Registration”).
7. On November 7, 2011 the Office issued Office Actions with respect to both the ‘107 Application and the ‘139 Application in each of which the Office refused to register the marks due to likelihood of confusion with U.S. Registration No. 3600401 and the Registration. See Exhibits C and D.
8. Pursuant to 37 C.F.R. §2.111(b), Petitioner believes it will be damaged by the continued registration of the Mark and hereby requests the cancellation of the Registration.

B. First Cause for Cancellation – The Mark is Primarily Merely a Surname

9. Registrant is the current owner of United States Trademark Application Serial No. 77/807,941 for the mark CINTRON in international classes 030 and 032 (the “‘941 Application”).
10. The ‘941 Application was filed by Registrant on August 19, 2009.
11. On each of November 23, 2009, February 18, 2010 and August 5, 2010, the Office refused to approve the ‘941 Application for publication because the mark CINTRON was deemed to be primarily merely a surname. See Exhibit E for copies of these Office Actions and

further evidence in support of Petitioner's assertion that the word CINTRON is primarily merely a surname.

12. Registrant itself acknowledges that "Cintron" is a common Latin surname. See Exhibit F, a printout from Registrant's own website acknowledging that the "Cintron" term is taken from "a common Latin surname and in tribute to Edgardo Cintron."

13. "CINTRON" is primarily merely a surname and as such the Registration should be cancelled pursuant to Trademark Act Section 2(e)(4), 15 U.S.C. §1052(e)(4).

C. Second Cause for Cancellation – Abandonment

14. Registrant has ceased use of the mark CINTRON on its products and replaced it with the word CINTRÓN (which is spelled and pronounced differently than the Mark). See Exhibit G.

15. Upon information and belief, Registrant has discontinued use of the Mark with intent not to resume such use. Trademark Act § 14, 15 U.S.C. § 1064, TBMP § 309.03(c)(11).

16. Upon information and belief, Registrant no longer uses the number "21" directly after the word CINTRON on product labels, product containers or point of sale displays that are used to sell the goods which are covered by the Registration and the Mark is not being used as a trademark.

17. The Mark, if used at all, is now merely a background design that does not function as a mark separate and apart from the words displayed thereon. TBMP § 309.03(c)(6).

18. Due to the course of Registrant's conduct, the Mark has lost its significance as an indication of source. TBMP § 309.03(c)(11).

D. Third Cause for Cancellation – Written Consent Not Of Record

19. The Mark consists of or comprises a name of a particular living individual, Edgardo Cintron (see Exhibit F).

20. If a mark consists of or comprises the name of a particular living individual, then written consent is required to register the mark. Trademark Act § 2(c), 15 U.S.C. 1052(c).

21. Edgardo Cintron's written consent is not of record in association with the application for the Registration and therefore the Registration should be cancelled.

E. **Fourth Cause for Cancellation – Deceptive and/or Deceptively Misdescriptive**

22. Twenty-one (21) is the minimum drinking age throughout the United States.

23. Because twenty-one (21) is the minimum drinking age, Petitioner believes that the number twenty-one (21) is associated with alcoholic beverages in the minds of consumers.

24. Petitioner believes that the use of the number "21" in the Mark leaves the commercial impression that beverages with the Mark contain alcohol.

25. The goods associated with the Registration do not contain alcohol.

26. The Mark is therefore deceptive and/or deceptively misdescriptive and the Registration should be cancelled as a result. Trademark Act §§ 2(a) and 2(e)(1), 15 U.S.C. § 1052(a) and (e)(1).

NOW, THEREFORE, Petitioner requests that this Petition for Cancellation be sustained and that the Registration be immediately cancelled.

Petitioner hereby appoints Jeremy D. Bisdorf, Peter M. Falkenstein, Lawrence R. Jordan and Joan H. Lowenstein of the law firm Jaffe, Raitt, Heuer & Weiss, P.C., all of whom are members of the bar of the State of Michigan, to act as attorneys for Petitioner herein, with full power to prosecute said Petition, to transact all relevant business with the Office, the Trademark Trial and Appeals Board, and in the United States Courts, and to receive all communications in connection with this Petition for Cancellation.

Respectfully submitted,

VEDOZI INVESTMENT (PTY) LTD.,
a South African corporation

By: /jdb/

Jeremy D. Bisdorf

Peter M. Falkenstein

Joan H. Lowenstein

Lawrence R. Jordan

JAFFE, RAITT, HEUER & WEISS, P.C.

201 S. Main St., Ste. 300

Ann Arbor, MI 48104-2176

Tel.: (734) 222-4776

Fax: (734) 222-4769

jbisdorf@jaffelaw.com

trademark@jaffelaw.com

Counsel for Petitioner

Date: March 26, 2013

EXHIBIT A

Trademark/Service Mark Form, Supplemental Register

Serial Number: 85370107

Filing Date: 07/13/2011

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85370107
MARK INFORMATION	
*MARK	CINTRON
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	CINTRON
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Supplemental
APPLICANT INFORMATION	
*OWNER OF MARK	Vedozi Investment (PTY) Ltd.
*STREET	19 Koelenhof St (Van Riebeckshof)
*CITY	Cape Town
*COUNTRY	South Africa
*ZIP/POSTAL CODE (Required for U.S. applicants only)	7530
LEGAL ENTITY INFORMATION	
TYPE	corporation
STATE/COUNTRY OF INCORPORATION	South Africa

GOODS AND/OR SERVICES AND BASIS INFORMATION	
INTERNATIONAL CLASS	030
* IDENTIFICATION	Beverages made of tea; Tea; Tea-based beverages
FILING BASIS	SECTION 44(e)
FOREIGN REGISTRATION COUNTRY	Tanzania
FOREIGN REGISTRATION NUMBER	TZ/T/2010/11077
FOREIGN REGISTRATION DATE	09/23/2010
FOREIGN REGISTRATION EXPIRATION DATE	09/23/2017
DATE FOREIGN REGISTRATION RENEWED (if applicable)	09/23/2017
FOREIGN REGISTRATION FILE NAME(S)	
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CONVERTED PDF FILE(S) (2 pages)	<u>\\TICRS\EXPORT11\IMAGEOUT11\853\701\85370107\xml1\APP0003.JPG</u>
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	<u>\\TICRS\EXPORT11\IMAGEOUT11\853\701\85370107\xml1\APP0006.JPG</u>
STANDARD CHARACTERS OR EQUIVALENT	YES
FILING BASIS	SECTION 44(e)
FOREIGN REGISTRATION	Tanzania

COUNTRY	
FOREIGN REGISTRATION NUMBER	TZ/T/2010/1089
FOREIGN REGISTRATION DATE	09/20/2010
FOREIGN REGISTRATION EXPIRATION DATE	09/20/2017
DATE FOREIGN REGISTRATION RENEWED (if applicable)	09/20/2017
FOREIGN REGISTRATION FILE NAME(S)	
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	<u>\\TICRS\EXPORT11\IMAGEOUT11\853\701\85370107\xml1\APP0010.JPG</u>
STANDARD CHARACTERS OR EQUIVALENT	YES
INTERNATIONAL CLASS	032
* IDENTIFICATION	Aerated water; Beers; Energy drinks; Fruit concentrates and purees used as ingredients of beverages; Fruit drinks; Fruit juice bases; Mineral and aerated waters; Sports drinks
FILING BASIS	SECTION 44(e)
FOREIGN REGISTRATION COUNTRY	Tanzania
FOREIGN REGISTRATION NUMBER	TZ/T/2010/11077

FOREIGN REGISTRATION DATE	09/23/2010
FOREIGN REGISTRATION EXPIRATION DATE	09/23/2017
DATE FOREIGN REGISTRATION RENEWED (if applicable)	09/23/2017
FOREIGN REGISTRATION FILE NAME(S)	
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STANDARD CHARACTERS OR EQUIVALENT	YES
FILING BASIS	SECTION 44(e)
FOREIGN REGISTRATION COUNTRY	Tanzania
FOREIGN REGISTRATION NUMBER	TZ/T/2010/1089
FOREIGN REGISTRATION DATE	09/20/2010
FOREIGN REGISTRATION EXPIRATION DATE	09/20/2017
DATE FOREIGN REGISTRATION	09/20/2017

RENEWED (if applicable)	
FOREIGN REGISTRATION FILE NAME(S)	
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CONVERTED PDF FILE(S) (2 pages)	<u>\\TICRS\EXPORT11\IMAGEOUT11\853\701\85370107\xml1\APP0009.JPG</u>
	<u>\\TICRS\EXPORT11\IMAGEOUT11\853\701\85370107\xml1\APP0010.JPG</u>
STANDARD CHARACTERS OR EQUIVALENT	YES
ATTORNEY INFORMATION	
NAME	Christopher J. Falkowski
ATTORNEY DOCKET NUMBER	240-001
FIRM NAME	Falkowski PLLC
STREET	P.O. Box 650
CITY	Novi
STATE	Michigan
COUNTRY	United States
ZIP/POSTAL CODE	48376-0650
PHONE	248-893-4505
FAX	248-412-4078
EMAIL ADDRESS	chris@falkowskipllc.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
OTHER APPOINTED ATTORNEY	All attorneys at the law firm of Falkowski PLLC

CORRESPONDENCE INFORMATION	
NAME	Christopher J. Falkowski
FIRM NAME	Falkowski PLLC
STREET	P.O. Box 650
CITY	Novi
STATE	Michigan
COUNTRY	United States
ZIP/POSTAL CODE	48376-0650
PHONE	248-893-4505
FAX	248-412-4078
EMAIL ADDRESS	chris@falkowskipllc.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	2
FEE PER CLASS	325
*TOTAL FEE DUE	650
*TOTAL FEE PAID	650
SIGNATURE INFORMATION	
SIGNATURE	/Christopher J. Falkowski/
SIGNATORY'S NAME	Christopher J. Falkowski
SIGNATORY'S POSITION	Attorney of record (MI/P57019)
DATE SIGNED	07/13/2011

Trademark/Service Mark Form, Supplemental Register

Serial Number: 85370107

Filing Date: 07/13/2011

To the Commissioner for Trademarks:

MARK: CINTRON (Standard Characters, see mark)

The literal element of the mark consists of CINTRON.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Vedozi Investment (PTY) Ltd., a corporation of South Africa, having an address of
19 Koelenhof St (Van Riebeckshof)
Cape Town 7530
South Africa

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Supplemental Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 030: Beverages made of tea; Tea; Tea-based beverages

Based on Foreign Registration: Applicant has a bona fide intention to use the mark in commerce on or in connection with the above identified goods and/or services, and submits a copy of Tanzania registration number TZ/T/2010/11077, registered 09/23/2010 with a renewal date of 09/23/2017 and an expiration date of 09/23/2017, and translation thereof, if appropriate. 15 U. S.C. Section 1126(e), as amended.

Original PDF file:

reg-24210109115-113029958 . TanzaniaClass30-1107.pdf

Converted PDF file(s) (2 pages)

Foreign Registration-1

Foreign Registration-2

Original PDF file:

reg-1-24210109115-113029958 . SouthAfrica.pdf

Converted PDF file(s) (2 pages)

Foreign Registration-1

Foreign Registration-2

Original PDF file:

reg-24210109115-113029958 . TanzaniaClass32-11089.pdf

Converted PDF file(s) (2 pages)

Foreign Registration-1

Foreign Registration-2

Original PDF file:

reg-2-24210109115-113029958 . SouthAfrica.pdf

Converted PDF file(s) (2 pages)

Foreign Registration-1

Foreign Registration-2

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 032: Aerated water; Beers; Energy drinks; Fruit concentrates and purees used as ingredients of beverages; Fruit drinks; Fruit juice bases; Mineral and aerated waters; Sports drinks

Based on Foreign Registration: Applicant has a bona fide intention to use the mark in commerce on or in connection with the above identified goods and/or services, and submits a copy of Tanzania registration number TZ/T/2010/11077, registered 09/23/2010 with a renewal date of 09/23/2017, and an expiration date of 09/23/2017, and translation thereof, if appropriate. 15 U. S.C. Section 1126(e), as amended.

Original PDF file:

reg-24210109115-113029958 . TanzaniaClass30-1107.pdf

Converted PDF file(s) (2 pages)

Foreign Registration-1

Foreign Registration-2

Original PDF file:

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Converted PDF file(s) (2 pages)

Foreign Registration-1

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Converted PDF file(s) (2 pages)

Foreign Registration-1

Foreign Registration-2

Original PDF file:

reg-2-24210109115-113029958 . SouthAfrica.pdf

Converted PDF file(s) (2 pages)

Foreign Registration-1

Foreign Registration-2

The applicant's current Attorney Information:

Christopher J. Falkowski and All attorneys at the law firm of Falkowski PLLC of Falkowski PLLC

Novi, Michigan 48376-0650

United States.

The attorney docket/reference number is 240-001

The applicant's current Correspondence Information:

Christopher J. Falkowski

Falkowski PLLC

P.O. Box 650

Novi, Michigan 48376-0650

248-893-4505(phone)

248-412-4078(fax)

chris@falkowskipllc.com (authorized)

A fee payment in the amount of \$650 has been submitted with the application, representing payment for 2 class(es).

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the form or any resulting registration, declares that he/she is properly authorized to execute this form on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the form is being filed under 15 U.S.C. §1126(d) or (e), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /Christopher J. Falkowski/ Date Signed: 07/13/2011

Signatory's Name: Christopher J. Falkowski

Signatory's Position: Attorney of record (MI/P57019)

RAM Sale Number: 8470

RAM Accounting Date: 07/13/2011

Serial Number: 85370107

Internet Transmission Date: Wed Jul 13 12:12:12 EDT 2011

TEAS Stamp: USPTO/SUP-24.210.109.115-201107131212122

44261-85370107-480b277c9e7ba567e2f9dc142

f62035fa12-CC-8470-20110713113029958741

CINTRON

TANZANIA



Form 02

The Trade and Service Marks Act, 1986
(TRADE/SERVICE MARK CERTIFICATE)

Made under Section 28(2) and Regulation 50

Cintron

The Mark shown above has been registered in the register in the name Vedoz Investment t/a
CINTRON, Vedoz Investment t/a CINTRON 220 North Main Street Suite 102, North Main Street Suite
102, Natick MA, USA 01760

in Class 30 under No TZ/T/2010/1107 as of the
date 23rd day of September 2010 in respect
of Iced Tea and Green Tea.

Sealed at my direction, this 17th day of March 2011

The Registrar of Trade/ Service Marks,
Dar es salaam
Tanzania


Deputy Registrar of Trade/ Service Marks

Registration is for seven years from the date first above mentioned, and may then be renewed, and also at the expiration of each period of ten (10) years thereafter.

Note :- Upon any change of ownership of this trade/ service mark, or change in address, application should AT ONCE be made to the Registrar to Register the change.

TRADE MARK REGISTER PAGE No.: 2009/10279		Date of application 08-Jun-2009							
Name and address of proprietor 1922437 - VEDOZI INVESTMENT (PTY) LTD 14 Erica Street Hout Bay Cape Town South Africa		Convention <table border="1"> <tr> <td>Country</td> <td></td> </tr> <tr> <td>Date</td> <td></td> </tr> <tr> <td>No.</td> <td></td> </tr> </table>		Country		Date		No.	
Country									
Date									
No.									
		Date of acceptance							
		date advertised							
Address for service 1896364 - 53 Ravenstone Mews Clifton Hill Estate 51 Acults Drive Hillcrest		Date granted Associated with No. Nature of mark Ordinary							
Goods and services <table border="1"> <tr> <th>Class No.</th> <th>Description of goods and services</th> </tr> <tr> <td>32</td> <td>Beers; mineral and aerated waters and other non-alcoholic drinks; fruit drinks and fruits juices; syrups and other preparations for making beverages.</td> </tr> </table>		Class No.	Description of goods and services	32	Beers; mineral and aerated waters and other non-alcoholic drinks; fruit drinks and fruits juices; syrups and other preparations for making beverages.	Representation of trade mark CINTRON			
Class No.	Description of goods and services								
32	Beers; mineral and aerated waters and other non-alcoholic drinks; fruit drinks and fruits juices; syrups and other preparations for making beverages.								
Remarks 		Status Accepted with conditions							
Endorsement 		G.P.A 							
Registered Users 		Caveat No							
Application History Sheet <table border="1"> <thead> <tr> <th>Date entry made</th> <th>Description</th> </tr> </thead> <tbody> <tr> <td>08-Jun-2009</td> <td>Application for Registration of a Trade Mark filed on 08/06/2009, numbered 2009/10279.</td> </tr> </tbody> </table>				Date entry made	Description	08-Jun-2009	Application for Registration of a Trade Mark filed on 08/06/2009, numbered 2009/10279.		
Date entry made	Description								
08-Jun-2009	Application for Registration of a Trade Mark filed on 08/06/2009, numbered 2009/10279.								

TRADE MARK REGISTER PAGE No.: 2009/22638		date of application 11-Nov-2009					
Name and address of proprietor 1976795 - VEDOZI INVESTMENTS (PTY) LTD 53 Ravenstone Mews Clifton Hill Estate 51 Acutts Drive Hillcrest		Convention <table border="1"> <tr> <td>Country</td> </tr> <tr> <td>Date</td> </tr> <tr> <td>No.</td> </tr> </table>		Country	Date	No.	
		Country					
		Date					
		No.					
date of acceptance							
date advertised							
Address for service 1976795 - VEDOZI INVESTMENTS (PTY) LTD 53 Ravenstone Mews Clifton Hill Estate 51 Acutts Drive Hillcrest		Date granted					
		associated with No.					
		Nature of mark Ordinary					
Goods and services <table border="1"> <tr> <td>Class No.</td> <td>Description of goods and services</td> </tr> <tr> <td>32</td> <td>Flavoured water, non-alcoholic drinks.</td> </tr> </table>		Class No.	Description of goods and services	32	Flavoured water, non-alcoholic drinks.	Representation of trade mark CINTRON AFRICA	
Class No.	Description of goods and services						
32	Flavoured water, non-alcoholic drinks.						
Remarks		Status Accepted with conditions					
Endorsment		G.P.A					
Registered Users		caveat No					
Application History Sheet 12-Nov-2009 Application for Registration of a Trade Mark filed on 12/11/2009, numbered 2009/22638. 19-Nov-2009 Proof reading performed 18-Aug-2010 Action required on 18/08/2010.							

TANZANIA



Form 02

The Trade and Service Marks Act, 1986
(TRADE/SERVICE MARK CERTIFICATE)

Made under Section 28(2) and Regulation 50

Cintron

The Mark shown above has been registered in the register in the name Vedoz Investment Co
CINTRON, Vedoz Investment Co CINTRON 220 North Main Street Suite 102, North Main Street Suite
102, Natick MA, USA 01760

in Class 32 under No TZ/T/2010/1089 as of the
date 20th day of September 201 0 in respect
of Beverage energy drink and juice.

Scaled at my direction this 17th day of March 2011

The Registrar of Trade/ Service Marks,
Dar es salaam
Tanzania


Deputy Registrar of Trade/ Service Marks

Registration is for seven years from the date first above mentioned, and may then be renewed, and also at the expiration of each period of ten(10) years thereafter.

Note :- Upon any change of ownership of this trade/ service mark, or change in address, application should AT ONCE be made to the Registrar to Register the change.

/SK



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TRADE MARK DETAIL

TRADE MARK REGISTER PAGE No.: 2009/10279

Date of application 08-Jun-2009

Name and address of proprietor

1922437 - VEDOZI INVESTMENT (PTY) LTD
14 Erica Street
Hout Bay
Cape Town
South Africa

Convention

Country

Date

No.

Date of acceptance

date advertised

Address for service

1896364 -
53 Ravenstone Mews
Clifton Hill Estate
51 Acutts Drive
Hillcrest

Date granted

Associated with No.

Nature of mark

Ordinary

Goods and services

Class
No.
32

Description of goods and services
Beers; mineral and aerated waters and
other non-alcoholic drinks; fruit drinks
and fruits juices; syrups and other
preparations for making beverages.

Representation of trade mark

CINTRON

Remarks

Status

Accepted with conditions

Endorsement

G.P.A.

Registered Users

Caveat

No

Application History Sheet

Date entry made	Description
08-Jun-2009	Application for Registration of a Trade Mark filed on 08/06/2009, humbered 2009/10279.

TRADE MARK REGISTER PAGE No.: 2009/22638		date of application 11-Nov-2009					
Name and address of proprietor 1976795 - VEDOZI INVESTMENTS (PTY) LTD 53 Ravenstone Mews Clifton Hill Estate 51 Acutts Drive Hillcrest		Convention					
		<table border="1"> <tr> <td>Country</td> </tr> <tr> <td>Date</td> </tr> <tr> <td>No.</td> </tr> </table>		Country	Date	No.	
		Country					
		Date					
No.							
date of acceptance							
date advertised							
Address for service 1976795 - VEDOZI INVESTMENTS (PTY) LTD 53 Ravenstone Mews Clifton Hill Estate 51 Acutts Drive Hillcrest		Date granted					
		associated with No.					
		Nature of mark Ordinary					
Goods and services <table border="1"> <tr> <td>Class No.</td> <td>Description of goods and services</td> </tr> <tr> <td>32</td> <td>Flavoured water, non-alcoholic drinks.</td> </tr> </table>		Class No.	Description of goods and services	32	Flavoured water, non-alcoholic drinks.	Representation of trade mark CINTRON AFRICA	
Class No.	Description of goods and services						
32	Flavoured water, non-alcoholic drinks.						
Remarks		Status					
		Accepted with conditions					
Endorsment		G.P.A.					
Registered Users		caveat					
		No					
Application History Sheet 12-Nov-2009 Application for Registration of a Trade Mark filed on 12/11/2009, numbered 2009/22638. 19-Nov-2009 Proof reading performed 18-Aug-2010 Action required on 18/08/2010.							

EXHIBIT B

Trademark/Service Mark Form, Supplemental Register

Serial Number: 85370139

Filing Date: 07/13/2011

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85370139
MARK INFORMATION	
*MARK	\\TICRS\EXPORT11\IMAGEOUT 11\853\701\85370139\xml1\APP0002.JPG
SPECIAL FORM	YES
USPTO-GENERATED IMAGE	NO
LITERAL ELEMENT	CINTRON
COLOR MARK	YES
COLOR(S) CLAIMED (If applicable)	The color(s) black and gold is/are claimed as a feature of the mark.
*DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of The mark consists of the word "CINTRON" in stylized text, with the black text surrounded by a gold outline.
PIXEL COUNT ACCEPTABLE	NO
PIXEL COUNT	786 x 218
REGISTER	Supplemental
APPLICANT INFORMATION	
*OWNER OF MARK	Vedozi Investment (PTY) Ltd.
*STREET	19 Koelenhof St (Van Riebeckshof)
*CITY	Cape Town

*COUNTRY	South Africa
*ZIP/POSTAL CODE (Required for U.S. applicants only)	7530
LEGAL ENTITY INFORMATION	
TYPE	corporation
STATE/COUNTRY OF INCORPORATION	South Africa
GOODS AND/OR SERVICES AND BASIS INFORMATION	
INTERNATIONAL CLASS	030
* IDENTIFICATION	Beverages made of tea; Tea; Tea-based beverages
FILING BASIS	SECTION 44(e)
FOREIGN REGISTRATION COUNTRY	Tanzania
FOREIGN REGISTRATION NUMBER	TZ/T/2010/11077
FOREIGN REGISTRATION DATE	09/23/2010
FOREIGN REGISTRATION EXPIRATION DATE	09/23/2017
DATE FOREIGN REGISTRATION RENEWED (if applicable)	09/23/2017
FOREIGN REGISTRATION FILE NAME(S)	
ORIGINAL PDF FILE	<u>reg-1-24210109115-121529985 . TanzaniaClass30-1107.pdf</u>
CONVERTED PDF FILE(S) (2 pages)	<u>\\TICRS\EXPORT11\IMAGEOUT11\853\701\85370139\xml1\APP0003.JPG</u>
	<u>\\TICRS\EXPORT11\IMAGEOUT11\853\701\85370139\xml1\APP0004.JPG</u>
ORIGINAL PDF FILE	<u>reg-3-24210109115-121529985 . SouthAfrica.pdf</u>
CONVERTED	

PDF FILE(S) (2 pages)	\\TICRS\EXPORT11\IMAGEOUT11\853\701\85370139\xml1\APP0005.JPG
	\\TICRS\EXPORT11\IMAGEOUT11\853\701\85370139\xml1\APP0006.JPG
STANDARD CHARACTERS OR EQUIVALENT	YES
FILING BASIS	SECTION 44(e)
FOREIGN REGISTRATION COUNTRY	Tanzania
FOREIGN REGISTRATION NUMBER	TZ/T/2010/1089
FOREIGN REGISTRATION DATE	09/20/2010
FOREIGN REGISTRATION EXPIRATION DATE	09/20/2017
DATE FOREIGN REGISTRATION RENEWED (if applicable)	09/20/2017
FOREIGN REGISTRATION FILE NAME(S)	
ORIGINAL PDF FILE	reg-1-24210109115-121529985 . TanzaniaClass32-11089.pdf
CONVERTED PDF FILE(S) (2 pages)	\\TICRS\EXPORT11\IMAGEOUT11\853\701\85370139\xml1\APP0007.JPG
	\\TICRS\EXPORT11\IMAGEOUT11\853\701\85370139\xml1\APP0008.JPG
ORIGINAL PDF FILE	reg-2-24210109115-121529985 . SouthAfrica.pdf
CONVERTED PDF FILE(S) (2 pages)	\\TICRS\EXPORT11\IMAGEOUT11\853\701\85370139\xml1\APP0009.JPG
	\\TICRS\EXPORT11\IMAGEOUT11\853\701\85370139\xml1\APP0010.JPG
STANDARD CHARACTERS OR EQUIVALENT	YES
INTERNATIONAL CLASS	032

* IDENTIFICATION	Aerated water; Beers; Energy drinks; Fruit concentrates and purees used as ingredients of beverages; Fruit drinks; Fruit juice bases; Mineral and aerated waters; Sports drinks
FILING BASIS	SECTION 44(e)
FOREIGN REGISTRATION COUNTRY	Tanzania
FOREIGN REGISTRATION NUMBER	TZ/T/2010/11077
FOREIGN REGISTRATION DATE	09/23/2010
FOREIGN REGISTRATION EXPIRATION DATE	09/23/2017
DATE FOREIGN REGISTRATION RENEWED (if applicable)	09/23/2017
FOREIGN REGISTRATION FILE NAME(S)	
ORIGINAL PDF FILE	<u>reg-1-24210109115-121529985 . TanzaniaClass30-1107.pdf</u>
CONVERTED PDF FILE(S) (2 pages)	<u>\\TICRS\EXPORT11\IMAGEOUT11\853\701\85370139\xml1\APP0003.JPG</u>
	<u>\\TICRS\EXPORT11\IMAGEOUT11\853\701\85370139\xml1\APP0004.JPG</u>
ORIGINAL PDF FILE	<u>reg-3-24210109115-121529985 . SouthAfrica.pdf</u>
CONVERTED PDF FILE(S) (2 pages)	<u>\\TICRS\EXPORT11\IMAGEOUT11\853\701\85370139\xml1\APP0005.JPG</u>
	<u>\\TICRS\EXPORT11\IMAGEOUT11\853\701\85370139\xml1\APP0006.JPG</u>
STANDARD CHARACTERS OR EQUIVALENT	YES
FILING BASIS	SECTION 44(e)
FOREIGN REGISTRATION COUNTRY	Tanzania
FOREIGN	

REGISTRATION NUMBER	TZ/T/2010/1089
FOREIGN REGISTRATION DATE	09/20/2010
FOREIGN REGISTRATION EXPIRATION DATE	09/20/2017
DATE FOREIGN REGISTRATION RENEWED (If applicable)	09/20/2017
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ORIGINAL PDF FILE	<u>reg-1-24210109115-121529985 . TanzaniaClass32-11089.pdf</u>
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	<u>\\TICRS\EXPORT11\IMAGEOUT11\853\701\85370139\xml1\APP0010.JPG</u>
STANDARD CHARACTERS OR EQUIVALENT	YES
ATTORNEY INFORMATION	
NAME	Christopher J. Falkowski
ATTORNEY DOCKET NUMBER	240-002
FIRM NAME	Falkowski PLLC
STREET	P.O. Box 650
CITY	Novi
STATE	Michigan
COUNTRY	United States
ZIP/POSTAL	48376-0650

CODE	
PHONE	248-893-4505
FAX	248-412-4078
EMAIL ADDRESS	chris@falkowskipllc.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
OTHER APPOINTED ATTORNEY	All attorneys at the law firm of Falkowski PLLC
CORRESPONDENCE INFORMATION	
NAME	Christopher J. Falkowski
FIRM NAME	Falkowski PLLC
STREET	P.O. Box 650
CITY	Novi
STATE	Michigan
COUNTRY	United States
ZIP/POSTAL CODE	48376-0650
PHONE	248-893-4505
FAX	248-412-4078
EMAIL ADDRESS	chris@falkowskipllc.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	2
FEE PER CLASS	325
*TOTAL FEE DUE	650
*TOTAL FEE PAID	650
SIGNATURE INFORMATION	
SIGNATURE	/Christopher J. Falkowski/
SIGNATORY'S NAME	Christopher J. Falkowski

SIGNATORY'S POSITION	Attorney of record (MI/P57019)
DATE SIGNED	07/13/2011

Trademark/Service mark Form, Supplemental Register

Serial Number: 85370139

Filing Date: 07/13/2011

To the Commissioner for Trademarks:

MARK: CINTRON (stylized and/or with design, see mark)

The literal element of the mark consists of CINTRON.

The color(s) black and gold is/are claimed as a feature of the mark. The mark consists of The mark consists of the word "CINTRON" in stylized text, with the black text surrounded by a gold outline.

The applicant, Vedozi Investment (PTY) Ltd., a corporation of South Africa, having an address of

19 Koelenhof St (Van Riebeckshof)

Cape Town 7530

South Africa

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Supplemental Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 030: Beverages made of tea; Tea; Tea-based beverages

Based on Foreign Registration: Applicant has a bona fide intention to use the mark in commerce on or in connection with the above identified goods and/or services, and submits a copy of Tanzania registration number TZ/T/2010/11077, registered 09/23/2010 with a renewal date of 09/23/2017 and an expiration date of 09/23/2017, and translation thereof, if appropriate. 15 U. S.C. Section 1126(e), as amended.

Original PDF file:

reg-1-24210109115-121529985 . TanzaniaClass30-1107.pdf

Converted PDF file(s) (2 pages)

Foreign Registration-1

Foreign Registration-2

Original PDF file:

reg-3-24210109115-121529985 . SouthAfrica.pdf

Converted PDF file(s) (2 pages)

Foreign Registration-1

Foreign Registration-2

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Foreign Registration-1

Foreign Registration-2

Original PDF file:

reg-2-24210109115-121529985 . SouthAfrica.pdf

Converted PDF file(s) (2 pages)

Foreign Registration-1

Foreign Registration-2

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 032: Aerated water; Beers; Energy drinks; Fruit concentrates and purees used as ingredients of beverages; Fruit drinks; Fruit juice bases; Mineral and aerated waters; Sports drinks

Based on Foreign Registration: Applicant has a bona fide intention to use the mark in commerce on or in connection with the above identified goods and/or services, and submits a copy of Tanzania registration number TZ/T/2010/11077, registered 09/23/2010 with a renewal date of 09/23/2017 and an expiration date of 09/23/2017, and translation thereof, if appropriate. 15 U. S.C. Section 1126(e), as amended.

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Converted PDF file(s) (2 pages)

Foreign Registration-1

Foreign Registration-2

The applicant's current Attorney Information:

Christopher J. Falkowski and All attorneys at the law firm of Falkowski PLLC of Falkowski PLLC
Novi, Michigan 48376-0650
United States.

The attorney docket/reference number is 240-002

The applicant's current Correspondence Information:

Christopher J. Falkowski
Falkowski PLLC

P.O. Box 650
Novi, Michigan 48376-0650
248-893-4505(phone)
248-412-4078(fax)
chris@falkowskipllc.com (authorized)

A fee payment in the amount of \$650 has been submitted with the application, representing payment for 2 class(es).

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the form or any resulting registration, declares that he/she is properly authorized to execute this form on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the form is being filed under 15 U.S.C. §1126(d) or (e), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /Christopher J. Falkowski/ Date Signed: 07/13/2011
Signatory's Name: Christopher J. Falkowski
Signatory's Position: Attorney of record (MI/P57019)

RAM Sale Number: 8755
RAM Accounting Date: 07/13/2011

Serial Number: 85370139
Internet Transmission Date: Wed Jul 13 12:38:29 EDT 2011
TEAS Stamp: USPTO/SUP-24.210.109.115-201107131238299
93607-85370139-48060bf1d4d587a6cfe6f0dfd
a1d02fa6-CC-8755-20110713121529985247

Cintron

TANZANIA



Form 02

The Trade and Service Marks Act, 1986
(TRADE/SERVICE MARK CERTIFICATE)

Made under Section 28(2) and Regulation 50

Cintron

The Mark shown above has been registered in the register in the name Vedozi Investment t/a
CINTRON, Vedozi Investment t/a CINTRON 220 North Main Street Suite 102, North Main Street Suite
102, Natick MA, USA 01760

in Class 30 under No TZ/T/2010/1107 as of the
date 23rd day of September 2010 in respect
of Iced Tea and Green Tea.

Sealed at my direction this 17th day of March 2011

The Registrar of Trade/ Service Marks,
Dar es Salaam
Tanzania


Deputy Registrar of Trade/ Service Marks

Registration is for seven years from the date first above mentioned, and may then be renewed, and also at the expiration of each period of ten(10) years thereafter.

Note :- Upon any change of ownership of this trade/ service mark, or change in address, application should AT ONCE be made to the Registrar to Register the change.

SK



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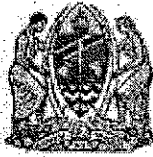
close | print

TRADE MARK DETAIL

TRADE MARK REGISTER PAGE No.: 2009/10279		Date of application 08-Jun-2009							
Name and address of proprietor 1922437 - VEDOZI INVESTMENT (PTY) LTD. 14 Erica Street Hout Bay Cape Town South Africa		Convention <table border="1"> <tr> <td>Country</td> <td></td> </tr> <tr> <td>Date</td> <td></td> </tr> <tr> <td>No.</td> <td></td> </tr> </table>		Country		Date		No.	
Country									
Date									
No.									
		Date of acceptance 							
		date advertised 							
Address for service 1896364 - 53 Ravenstone Mews Clifton Hill Estate 51 Acutts Drive Hillcrest		Date granted 							
		Associated with No. 							
		Nature of mark Ordinary							
Goods and services <table border="1"> <tr> <td>Class No.</td> <td>Description of goods and services</td> </tr> <tr> <td>32</td> <td>Beers; mineral and aerated waters and other non-alcoholic drinks; fruit drinks and fruits juices; syrups and other preparations for making beverages.</td> </tr> </table>		Class No.	Description of goods and services	32	Beers; mineral and aerated waters and other non-alcoholic drinks; fruit drinks and fruits juices; syrups and other preparations for making beverages.	Representation of trade mark CINTRON			
Class No.	Description of goods and services								
32	Beers; mineral and aerated waters and other non-alcoholic drinks; fruit drinks and fruits juices; syrups and other preparations for making beverages.								
Remarks 		Status Accepted with conditions							
Endorsement 		G.P.A. 							
Registered Users 		Caveat No							
Application History Sheet									
<table border="1"> <tr> <td>Date entry made</td> <td>Description</td> </tr> <tr> <td>08-Jun-2009</td> <td>Application for Registration of a Trade Mark filed on 08/06/2009, numbered 2009/10279.</td> </tr> </table>		Date entry made	Description	08-Jun-2009	Application for Registration of a Trade Mark filed on 08/06/2009, numbered 2009/10279.				
Date entry made	Description								
08-Jun-2009	Application for Registration of a Trade Mark filed on 08/06/2009, numbered 2009/10279.								

TRADE MARK REGISTER PAGE		No.: 2009/22638	date of application 11-Nov-2009				
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Endorsment		G.P.A					
Registered Users		caveat No					
Application History Sheet 12-Nov-2009 Application for Registration of a Trade Mark filed on 12/11/2009, numbered 2009/22638. 19-Nov-2009 Proof reading performed 18-Aug-2010 Action required on 18/08/2010.							

TANZANIA



Form 02

The Trade and Service Marks Act, 1986
(TRADE/SERVICE MARK CERTIFICATE)

Made under Section 28(2) and Regulation 50

Cintron

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CINTRON, Vedozi Investment t/a CINTRON 220 North Main Street Suite 102, North Main Street Suite
102, Natick MA, USA 01760

in Class 32 under No TZ/T/2010/1089 as of the
date 20th day of September 201 0 in respect
of Beverage energy drink and juice.

Scaled at my direction this 17th day of March 2011

The Registrar of Trade/ Service Marks,
Dar es salaam
Tanzania


Deputy Registrar of Trade/ Service Marks

Registration is for seven years from the date first above mentioned, and may then be renewed, and also at the expiration of each period of ten(10) years thereafter.

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/SK



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TRADE MARK DETAIL

TRADE MARK REGISTER PAGE No.: 2009/10279		Date of application 08-Jun-2009						
Name and address of proprietor 1922437 - VEDOZI INVESTMENT (PTY) LTD 14 Erica Street Hout Bay Cape Town South Africa		Convention <table border="1"> <tr> <td>Country</td> <td></td> </tr> <tr> <td>Date</td> <td></td> </tr> <tr> <td>No.</td> <td></td> </tr> </table>	Country		Date		No.	
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Endorsement 		G.P.A 						
Registered Users 		Caveat No						
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Date entry made	Description							
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TRADE MARK REGISTER PAGE No.: 2009/22638		date of application 11-Nov-2009					
Name and address of proprietor 1976795 - VEDOZI INVESTMENTS (PTY) LTD 53 Ravenstone Mews Clifton Hill Estate 51 Acutts Drive Hillcrest		Convention <table border="1"> <tr> <td>Country</td> </tr> <tr> <td>Date</td> </tr> <tr> <td>No.</td> </tr> </table>		Country	Date	No.	
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Address for service 1976795 - VEDOZI INVESTMENTS (PTY) LTD 53 Ravenstone Mews Clifton Hill Estate 51 Acutts Drive Hillcrest		Date granted associated with No. Nature of mark Ordinary					
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Endorsment		G.P.A					
Registered Users		caveat No					
Application History Sheet 12-Nov-2009 Application for Registration of a Trade Mark filed on 12/11/2009, numbered 2009/22638. 19-Nov-2009 Proof reading performed 18-Aug-2010 Action required on 18/08/2010.							

EXHIBIT C

To: Vedozi Investment (PTY) Ltd. (chris@falkowskipllc.com)
Subject: U.S. TRADEMARK APPLICATION NO. 85370107 - CINTRON - 240-001
Sent: 11/7/2011 3:36:11 PM
Sent As: ECOM115@USPTO.GOV
Attachments: [Attachment - 1](#)
[Attachment - 2](#)
[Attachment - 3](#)
[Attachment - 4](#)
[Attachment - 5](#)
[Attachment - 6](#)
[Attachment - 7](#)
[Attachment - 8](#)
[Attachment - 9](#)

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

APPLICATION SERIAL NO. 85370107

MARK: CINTRON

85370107

CORRESPONDENT ADDRESS:

CHRISTOPHER J. FALKOWSKI
FALKOWSKI PLLC
PO BOX 650
NOVI, MI 48376-0650

CLICK HERE TO RESPOND TO THIS LETTER:
http://www.uspto.gov/trademarks/teas/response_forms.jsp

APPLICANT: Vedozi Investment (PTY) Ltd.

**CORRESPONDENT'S REFERENCE/DOCKET
NO:**

240-001

CORRESPONDENT E-MAIL ADDRESS:

chris@falkowskipllc.com

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW.

ISSUE/MAILING DATE: 11/7/2011

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

Section 2(d) Refusal – Likelihood of Confusion

Registration of the applied-for mark is refused because of a likelihood of confusion with the marks in U.S. Registration Nos. 3600401 and 3410949. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* See the enclosed registrations.

Trademark Act Section 2(d) bars registration of an applied-for mark that so resembles a registered mark that it is likely that a potential consumer would be confused or mistaken or deceived as to the source of the goods and/or services of the applicant and registrant. *See* 15 U.S.C. §1052(d). The court in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973) listed the principal factors to be considered when determining whether there is a likelihood of confusion under Section 2(d). *See* TMEP §1207.01. However, not all the factors are necessarily relevant or of equal weight, and any one factor may be dominant in a given case, depending upon the evidence of record. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d 1344, 1355, 98 USPQ2d 1253, 1260 (Fed. Cir. 2011); *In re Majestic Distilling Co.*, 315 F.3d 1311, 1315, 65 USPQ2d 1201, 1204 (Fed. Cir. 2003); *see In re E. I. du Pont*, 476 F.2d at 1361-62, 177 USPQ at 567.

In this case, the following factors are the most relevant: similarity of the marks, similarity of the goods and/or services, and similarity of trade channels of the goods and/or services. *See In re Dakin's Miniatures Inc.*, 59 USPQ2d 1593 (TTAB 1999); TMEP §§1207.01 *et seq.*

Applicant seeks to register the proposed mark CINTRON. The cited registrations are for the marks CINTRON ENERGY ENHANCER and CINTRON 21. These marks are quite similar because they share the term CINTRON and they create confusingly similar commercial impressions.

The goods and/or services of the parties need not be identical or directly competitive to find a likelihood of confusion. *See Safety-Kleen Corp. v. Dresser Indus., Inc.*, 518 F.2d 1399, 1404, 186 USPQ 476, 480 (C.C.P.A. 1975); TMEP §1207.01(a)(i). Rather, it is sufficient to show that because of the conditions surrounding their marketing, or because they are otherwise related in some manner, the goods and/or services would be encountered by the same consumers under circumstances such that offering the goods and/or services under confusingly similar marks would lead to the mistaken belief that they come from, or are in some way associated with, the same source. *In re Iolo Techs., LLC*, 95 USPQ2d 1498, 1499 (TTAB 2010); *see In re Martin's Famous Pastry Shoppe, Inc.*, 748 F.2d 1565, 1566-68, 223 USPQ 1289, 1290 (Fed. Cir. 1984); TMEP §1207.01(a)(i).

Applicant seeks to register its mark for "Beverages made of tea; Tea; Tea-based beverages," and "Aerated water; Beers; Energy drinks; Fruit concentrates and purees used as ingredients of beverages; Fruit drinks; Fruit juice bases; Mineral and aerated waters; Sports drinks." Registrant's goods are "Energy drinks; Sports drinks." These goods are closely related because they are all energy beverages.

The overriding concern is not only to prevent buyer confusion as to the source of the goods and/or services, but to protect the registrant from adverse commercial impact due to use of a similar mark by a newcomer. *See In re Shell Oil Co.*, 992 F.2d 1204, 1208, 26 USPQ2d 1687, 1690 (Fed. Cir. 1993). Therefore, any doubt regarding a likelihood of confusion determination is resolved in favor of the registrant. TMEP §1207.01(d)(i); *see Hewlett-Packard Co. v. Packard Press, Inc.*, 281 F.3d 1261, 1265,

62 USPQ2d 1001, 1003 (Fed. Cir. 2002); *In re Hyper Shoppes (Ohio), Inc.*, 837 F.2d 463, 464-65, 6 USPQ2d 1025, 1025 (Fed. Cir. 1988).

Although applicant's mark has been refused registration, applicant may respond to the refusal(s) by submitting evidence and arguments in support of registration.

Applicant must respond to the requirement(s) set forth below.

Prior Pending Applications

The filing dates of pending Application Serial Nos. 77807946 and 77807941 precede applicant's filing date. See attached referenced applications. If one or more of the marks in the referenced applications register, applicant's mark may be refused registration under Trademark Act Section 2(d) because of a likelihood of confusion with the registered mark(s). See 15 U.S.C. §1052(d); 37 C.F.R. §2.83; TMEP §§1208 *et seq.* Therefore, upon receipt of applicant's response to this Office action, action on this application may be suspended pending final disposition of the earlier-filed referenced applications.

In response to this Office action, applicant may present arguments in support of registration by addressing the issue of the potential conflict between applicant's mark and the marks in the referenced applications. Applicant's election not to submit arguments at this time in no way limits applicant's right to address this issue later if a refusal under Section 2(d) issues.

Cited Registrations and Applications

Registered Marks:

If the marks in the cited registrations have been assigned to applicant, applicant can provide evidence of ownership of the marks by satisfying one of the following:

- (1) Record the assignment with the Office's Assignment Services Branch (ownership transfer documents such as assignments can be filed online at <http://etas.uspto.gov>) and promptly notify the trademark examining attorney that the assignment has been duly recorded;
- (2) Submit copies of documents evidencing the chain of title; or
- (3) Submit the following statement, verified with an affidavit or signed declaration under 37 C.F.R. §2.20: **"Applicant is the owner of U.S. Registration Nos. 3600401 and 3410949."**

TMEP §812.01; see 15 U.S.C. §1060; 37 C.F.R. §§2.193(e)(1), 3.25, 3.73; TMEP §502.02(a).

Merely recording a document with the Assignment Services Branch does not constitute a response to an Office action. TMEP §503.01(d).

Prior Pending Applications:

If the mark(s) in the potentially conflicting prior-filed application(s) has been assigned to applicant, applicant can provide evidence of ownership of the mark(s) to avoid a possible refusal on the basis of likelihood of confusion under Trademark Act Section 2(d). See 15 U.S.C. §1052(d); TMEP §812.01.

Applicant can provide evidence of ownership of the mark(s) by satisfying one of the following:

- (1) Record the assignment with the Office's Assignment Services Branch (ownership transfer

documents such as assignments can be filed online at <http://etas.uspto.gov>) and promptly notify the trademark examining attorney that the assignment has been duly recorded;

(2) Submit copies of documents evidencing the chain of title; or

(3) Submit the following statement, verified with an affidavit or signed declaration under 37 C.F.R. §2.20: **"Applicant is the owner of Application Serial No(s). 77807946 and 77807941."**

See 15 U.S.C. §1060; 37 C.F.R. §§2.193(e)(1), 3.25, 3.73; TMEP §§502.02(a), 812.01.

Merely recording a document with the Assignment Services Branch does not constitute a response to an Office action. TMEP §503.01(d).

Country of Origin

The application shows that applicant has a domicile in **South Africa**, but has submitted a foreign registration from **Tanzania** to support its basis for registration under Trademark Act Section 44(e) in the United States. 15 U.S.C. §1126(e). To obtain registration under Section 44(e), an applicant must be the owner of a valid registration from the applicant's country of origin. 15 U.S.C. §1126(e); 37 C.F.R. §2.34(a)(3)(ii); TMEP §1002.01. Under Section 44(c), "country of origin" is defined as the country in which an applicant (1) is domiciled, (2) has a bona fide and effective industrial or commercial establishment, or (3) is a national. 15 U.S.C. §1126(c); TMEP §1002.04.

Because applicant's domicile is in a country different from that which issued the foreign registration, applicant must establish that applicant's country of domicile is also applicant's country of origin. *See* 15 U.S.C. §1126(c); TMEP §1002.04. This requirement may be satisfied by providing a written statement for the record that applicant has a bona fide and effective industrial or commercial establishment in Tanzania. TMEP §1002.04.

If applicant cannot assert that the country in which the foreign registration was filed is a country of origin, registration under Section 44(e) will be refused. 15 U.S.C. §1126(c); TMEP §1002.01. In that case, applicant may delete the Section 44(e) basis and substitute Section 1(a) or 1(b), if applicant can satisfy all of the requirements for the new basis. *See* 15 U.S.C. §§1051(a)-(b), 1126(d); 37 C.F.R. §2.35(b); TMEP §§806.03, 1002.02.

If applicant has questions regarding this Office action, please telephone or e-mail the assigned trademark examining attorney. All relevant e-mail communications will be placed in the official application record; however, an e-mail communication will not be accepted as a response to this Office action and will not extend the deadline for filing a proper response. *See* 37 C.F.R. §2.191; TMEP §§304.01-.02, 709.04-.05. Further, although the trademark examining attorney may provide additional explanation pertaining to the refusal(s) and/or requirement(s) in this Office action, the trademark examining attorney may not provide legal advice or statements about applicant's rights. *See* TMEP §§705.02, 709.06.

/Curtis W. French/
Trademark Attorney
Law Office 115
United States Trademark Office

571-272-9472
curtis.french@uspto.gov

TO RESPOND TO THIS LETTER: Go to http://www.uspto.gov/trademarks/teas/response_forms.jsp. Please wait 48-72 hours from the issue/mailing date before using TEAS, to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

All informal e-mail communications relevant to this application will be placed in the official application record.

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using Trademark Applications and Registrations Retrieval (TARR) at <http://tarr.uspto.gov/>. Please keep a copy of the complete TARR screen. If TARR shows no change for more than six months, call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS: Use the TEAS form at <http://www.uspto.gov/teas/eTEASpageE.htm>.

Print: Nov 7, 2011

77807941

DESIGN MARK

Serial Number

77807941

Status

OPPOSITION PENDING

Word Mark

CINTRON

Standard Character Mark

Yes

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Cintron Beverage Group, LLC LIMITED LIABILITY COMPANY DELAWARE 7400
Brewster Avenue Philadelphia PENNSYLVANIA 19153

Goods/Services

Class Status -- ACTIVE. IC 030. US 046. G & S: tea-based
beverages. First Use: 2007/05/00. First Use In Commerce: 2007/05/00.

Goods/Services

Class Status -- ACTIVE. IC 032. US 045 046 048. G & S: energy
drinks, sports drinks, fruit flavored beverages. First Use:
2006/08/01. First Use In Commerce: 2006/08/01.

Prior Registration(s)

3410949;3600401

Section 2f Statement

2(F) ENTIRE MARK

Filing Date

2009/08/19

Examining Attorney

MULLEN, MARK T.

Attorney of Record

Evelyn H. McConathy

CINTRON

Print: Nov 7, 2011

77807946

DESIGN MARK

Serial Number
77807946

Status
OPPOSITION PENDING

Word Mark
CINTRON

Standard Character Mark
No

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

Owner
Cintron Beverage Group, LLC LIMITED LIABILITY COMPANY DELAWARE 7400
Brewster Avenue Philadelphia PENNSYLVANIA 19153

Goods/Services
Class Status -- ACTIVE. IC 030. US 046. G & S: tea-based
beverages. First Use: 2007/05/00. First Use In Commerce: 2007/05/00.

Goods/Services
Class Status -- ACTIVE. IC 032. US 045 046 048. G & S: energy
drinks, sports drinks, fruit flavored beverages. First Use:
2006/08/01. First Use In Commerce: 2006/08/01.

Prior Registration(s)
3410949;3600401

Description of Mark
The mark consists of a stylized version of the word "Cintron".

Colors Claimed
Color is not claimed as a feature of the mark.

Section 2f Statement
2(F) ENTIRE MARK

Filing Date
2009/08/19

Print: Nov 7, 2011

77807946

Examining Attorney

MULLEN, MARK T.

Attorney of Record

Evelyn H. McConathy

Cintron

Print: Nov 7, 2011

78928691

DESIGN MARK

Serial Number
78928691

Status
REGISTERED

Word Mark
CINTRON ENERGY ENHANCER

Standard Character Mark
Yes

Registration Number
3600401

Date Registered
2009/03/31

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(4) STANDARD CHARACTER MARK

Owner
Cintron Beverage Group, LLC LIMITED LIABILITY COMPANY DELAWARE 7400
Brewster Avenue Philadelphia PENNSYLVANIA 19153

Goods/Services
Class Status -- ACTIVE. IC 032. US 045 046 048. G & S: Energy
drinks; Sports drinks. First Use: 2006/08/01. First Use In Commerce:
2006/08/01.

Disclaimer Statement
NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "ENERGY ENHANCER" APART
FROM THE MARK AS SHOWN.

Filing Date
2006/07/13

Examining Attorney
KAUFMAN, LAURIE

Attorney of Record
Jeffrey Zucker

Cintron Energy Enhancer

Print: Nov 7, 2011

78951185

DESIGN MARK

Serial Number
78951185

Status
REGISTERED

Word Mark
CINTRON 21

Standard Character Mark
Yes

Registration Number
3410949

Date Registered
2008/04/08

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(4) STANDARD CHARACTER MARK

Owner
Cintron Beverage Group, LLC LIMITED LIABILITY COMPANY DELAWARE 7400
Brewster Avenue Philadelphia PENNSYLVANIA 19153

Goods/Services
Class Status -- ACTIVE. IC 032. US 045 046 048. G & S: Energy
drinks; Sports drinks. First Use: 2006/08/01. First Use In Commerce:
2006/08/01.

Filing Date
2006/08/14

Examining Attorney
WEBSTER, MICHAEL

Attorney of Record
Jeffrey Zucker

Cintron 21

To: Vedozi Investment (PTY) Ltd. (chris@falkowskipllc.com)
Subject: U.S. TRADEMARK APPLICATION NO. 85370107 - CINTRON - 240-001
Sent: 11/7/2011 3:36:12 PM
Sent As: ECOM115@USPTO.GOV
Attachments:

**IMPORTANT NOTICE REGARDING YOUR
U.S. TRADEMARK APPLICATION**

**USPTO OFFICE ACTION HAS ISSUED ON 11/7/2011 FOR
SERIAL NO. 85370107**

Please follow the instructions below to continue the prosecution of your application:

TO READ OFFICE ACTION: Click on this [link](#) or go to <http://portal.uspto.gov/external/portal/tow> and enter the application serial number to access the Office action.

PLEASE NOTE: The Office action may not be immediately available but will be viewable within 24 hours of this e-mail notification.

RESPONSE IS REQUIRED: You should carefully review the Office action to determine (1) how to respond; and (2) the applicable response time period. Your response deadline will be calculated from 11/7/2011 (or sooner if specified in the office action).

Do NOT hit "Reply" to this e-mail notification, or otherwise attempt to e-mail your response, as the USPTO does NOT accept e-mailed responses. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System Response Form.

HELP: For *technical* assistance in accessing the Office action, please e-mail TDR@uspto.gov. Please contact the assigned examining attorney with questions about the Office action.

WARNING

Failure to file the required response by the applicable deadline will result in the ABANDONMENT of your application.

EXHIBIT D

To: Vedozi Investment (PTY) Ltd. (chris@falkowskipllc.com)
Subject: U.S. TRADEMARK APPLICATION NO. 85370139 - CINTRON - 240-002
Sent: 11/7/2011 3:35:08 PM
Sent As: ECOM115@USPTO.GOV
Attachments: [Attachment - 1](#)
[Attachment - 2](#)
[Attachment - 3](#)
[Attachment - 4](#)
[Attachment - 5](#)
[Attachment - 6](#)
[Attachment - 7](#)
[Attachment - 8](#)
[Attachment - 9](#)

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

APPLICATION SERIAL NO. 85370139

MARK: CINTRON

85370139

CORRESPONDENT ADDRESS:

CHRISTOPHER J. FALKOWSKI
FALKOWSKI PLLC
PO BOX 650
NOVI, MI 48376-0650

CLICK HERE TO RESPOND TO THIS LETTER:
http://www.uspto.gov/trademarks/teas/response_forms.jsp

APPLICANT: Vedozi Investment (PTY) Ltd.

**CORRESPONDENT'S REFERENCE/DOCKET
NO:**

240-002

CORRESPONDENT E-MAIL ADDRESS:

chris@falkowskipllc.com

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW.

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Registration of the applied-for mark is refused because of a likelihood of confusion with the marks in U.S. Registration Nos. 3600401 and 3410949. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* See the enclosed registrations.

Trademark Act Section 2(d) bars registration of an applied-for mark that so resembles a registered mark that it is likely that a potential consumer would be confused or mistaken or deceived as to the source of the goods and/or services of the applicant and registrant. *See* 15 U.S.C. §1052(d). The court in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973) listed the principal factors to be considered when determining whether there is a likelihood of confusion under Section 2(d). *See* TMEP §1207.01. However, not all the factors are necessarily relevant or of equal weight, and any one factor may be dominant in a given case, depending upon the evidence of record. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d 1344, 1355, 98 USPQ2d 1253, 1260 (Fed. Cir. 2011); *In re Majestic Distilling Co.*, 315 F.3d 1311, 1315, 65 USPQ2d 1201, 1204 (Fed. Cir. 2003); *see In re E. I. du Pont*, 476 F.2d at 1361-62, 177 USPQ at 567.

In this case, the following factors are the most relevant: similarity of the marks, similarity of the goods and/or services, and similarity of trade channels of the goods and/or services. *See In re Dakin's Miniatures Inc.*, 59 USPQ2d 1593 (TTAB 1999); TMEP §§1207.01 *et seq.*

Applicant seeks to register the proposed mark CINTRON. The cited registrations are for the marks CINTRON ENERGY ENHANCER and CINTRON 21. These marks are quite similar because they share the term CINTRON and they create confusingly similar commercial impressions.

The goods and/or services of the parties need not be identical or directly competitive to find a likelihood of confusion. *See Safety-Kleen Corp. v. Dresser Indus., Inc.*, 518 F.2d 1399, 1404, 186 USPQ 476, 480 (C.C.P.A. 1975); TMEP §1207.01(a)(i). Rather, it is sufficient to show that because of the conditions surrounding their marketing, or because they are otherwise related in some manner, the goods and/or services would be encountered by the same consumers under circumstances such that offering the goods and/or services under confusingly similar marks would lead to the mistaken belief that they come from, or are in some way associated with, the same source. *In re Iolo Techs., LLC*, 95 USPQ2d 1498, 1499 (TTAB 2010); *see In re Martin's Famous Pastry Shoppe, Inc.*, 748 F.2d 1565, 1566-68, 223 USPQ 1289, 1290 (Fed. Cir. 1984); TMEP §1207.01(a)(i).

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Applicant can provide evidence of ownership of the mark(s) by satisfying one of the following:

- (1) Record the assignment with the Office's Assignment Services Branch (ownership transfer

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Country of Origin

The application shows that applicant has a domicile in **South Africa**, but has submitted a foreign registration from **Tanzania** to support its basis for registration under Trademark Act Section 44(e) in the United States. 15 U.S.C. §1126(e). To obtain registration under Section 44(e), an applicant must be the owner of a valid registration from the applicant's country of origin. 15 U.S.C. §1126(e); 37 C.F.R. §2.34(a)(3)(ii); TMEP §1002.01. Under Section 44(c), "country of origin" is defined as the country in which an applicant (1) is domiciled, (2) has a bona fide and effective industrial or commercial establishment, or (3) is a national. 15 U.S.C. §1126(c); TMEP §1002.04.

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/Curtis W. French/
Trademark Attorney
Law Office 115
United States Trademark Office

571-272-9472
curtis.french@uspto.gov

TO RESPOND TO THIS LETTER: Go to http://www.uspto.gov/trademarks/teas/response_forms.jsp. Please wait 48-72 hours from the issue/ mailing date before using TEAS, to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

All informal e-mail communications relevant to this application will be placed in the official application record.

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using Trademark Applications and Registrations Retrieval (TARR) at <http://tarr.uspto.gov/>. Please keep a copy of the complete TARR screen. If TARR shows no change for more than six months, call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS: Use the TEAS form at <http://www.uspto.gov/teas/eTEASpageE.htm>.

Print: Nov 7, 2011

77807941

DESIGN MARK

Serial Number

77807941

Status

OPPOSITION PENDING

Word Mark

CINTRON

Standard Character Mark

Yes

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Cintron Beverage Group, LLC LIMITED LIABILITY COMPANY DELAWARE 7400
Brewster Avenue Philadelphia PENNSYLVANIA 19153

Goods/Services

Class Status -- ACTIVE. IC 030. US 046. G & S: tea-based
beverages. First Use: 2007/05/00. First Use In Commerce: 2007/05/00.

Goods/Services

Class Status -- ACTIVE. IC 032. US 045 046 048. G & S: energy
drinks, sports drinks, fruit flavored beverages. First Use:
2006/08/01. First Use In Commerce: 2006/08/01.

Prior Registration(s)

3410949;3600401

Section 2f Statement

2(F) ENTIRE MARK

Filing Date

2009/08/19

Examining Attorney

MULLEN, MARK T.

Attorney of Record

Evelyn H. McConathy

CINTRON

Print: Nov 7, 2011

77807946

DESIGN MARK

Serial Number

77807946

Status

OPPOSITION PENDING

Word Mark

CINTRON

Standard Character Mark

No

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

Owner

Cintron Beverage Group, LLC LIMITED LIABILITY COMPANY DELAWARE 7400
Brewster Avenue Philadelphia PENNSYLVANIA 19153

Goods/Services

Class Status -- ACTIVE. IC 030. US 046. G & S: tea-based
beverages. First Use: 2007/05/00. First Use In Commerce: 2007/05/00.

Goods/Services

Class Status -- ACTIVE. IC 032. US 045 046 048. G & S: energy
drinks, sports drinks, fruit flavored beverages. First Use:
2006/08/01. First Use In Commerce: 2006/08/01.

Prior Registration(s)

3410949;3600401

Description of Mark

The mark consists of a stylized version of the word "Cintron".

Colors Claimed

Color is not claimed as a feature of the mark.

Section 2f Statement

2(F) ENTIRE MARK

Filing Date

2009/08/19

Print: Nov 7, 2011

77807946

Examining Attorney
MULLEN, MARK T.

Attorney of Record
Evelyn H. McConathy

Cintron

Print: Nov 7, 2011

78928691

DESIGN MARK

Serial Number

78928691

Status

REGISTERED

Word Mark

CINTRON ENERGY ENHANCER

Standard Character Mark

Yes

Registration Number

3600401

Date Registered

2009/03/31

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Cintron Beverage Group, LLC LIMITED LIABILITY COMPANY DELAWARE 7400
Brewster Avenue Philadelphia PENNSYLVANIA 19153

Goods/Services

Class Status -- ACTIVE. IC 032. US 045 046 048. G & S: Energy
drinks; Sports drinks. First Use: 2006/08/01. First Use In Commerce:
2006/08/01.

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "ENERGY ENHANCER" APART
FROM THE MARK AS SHOWN.

Filing Date

2006/07/13

Examining Attorney

KAUFMAN, LAURIE

Attorney of Record

Jeffrey Zucker

Cintron Energy Enhancer

Print: Nov 7, 2011

78951185

DESIGN MARK

Serial Number
78951185

Status
REGISTERED

Word Mark
CINTRON 21

Standard Character Mark
Yes

Registration Number
3410949

Date Registered
2008/04/08

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(4) STANDARD CHARACTER MARK

Owner
Cintron Beverage Group, LLC LIMITED LIABILITY COMPANY DELAWARE 7400
Brewster Avenue Philadelphia PENNSYLVANIA 19153

Goods/Services
Class Status -- ACTIVE. IC 032. US 045 046 048. G & S: Energy
drinks; Sports drinks. First Use: 2006/08/01. First Use In Commerce:
2006/08/01.

Filing Date
2006/08/14

Examining Attorney
WEBSTER, MICHAEL

Attorney of Record
Jeffrey Zucker

Cintron 21

To: Vedozi Investment (PTY) Ltd. (chris@falkowskipllc.com)
Subject: U.S. TRADEMARK APPLICATION NO. 85370139 - CINTRON - 240-002
Sent: 11/7/2011 3:35:09 PM
Sent As: ECOM115@USPTO.GOV
Attachments:

IMPORTANT NOTICE REGARDING YOUR U.S. TRADEMARK APPLICATION

USPTO OFFICE ACTION HAS ISSUED ON 11/7/2011 FOR SERIAL NO. 85370139

Please follow the instructions below to continue the prosecution of your application:

TO READ OFFICE ACTION: Click on this [link](http://portal.uspto.gov/external/portal/tow) or go to <http://portal.uspto.gov/external/portal/tow> and enter the application serial number to [access](#) the Office action.

PLEASE NOTE: The Office action may not be immediately available but will be viewable within 24 hours of this e-mail notification.

RESPONSE IS REQUIRED: You should carefully review the Office action to determine (1) how to respond; and (2) the applicable [response time period](#). Your response deadline will be calculated from 11/7/2011 (or sooner if specified in the office action).

Do NOT hit "Reply" to this e-mail notification, or otherwise attempt to e-mail your response, as the USPTO does NOT accept e-mailed responses. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System [Response Form](#).

HELP: For *technical* assistance in accessing the Office action, please e-mail TDR@uspto.gov. Please contact the assigned examining attorney with questions about the Office action.

WARNING

Failure to file the required response by the applicable deadline will result in the [ABANDONMENT](#) of your application.

EXHIBIT E

To: Cintron Beverage Group, LLC (raxenfeld@mmwr.com)
Subject: U.S. TRADEMARK APPLICATION NO. 77807941 - CINTRON - N/A
Sent: 11/23/2009 3:26:46 PM
Sent As: ECOM111@USPTO.GOV
Attachments: [Attachment - 1](#)
[Attachment - 2](#)
[Attachment - 3](#)
[Attachment - 4](#)
[Attachment - 5](#)
[Attachment - 6](#)
[Attachment - 7](#)
[Attachment - 8](#)
[Attachment - 9](#)
[Attachment - 10](#)
[Attachment - 11](#)
[Attachment - 12](#)
[Attachment - 13](#)
[Attachment - 14](#)
[Attachment - 15](#)
[Attachment - 16](#)

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 77/807941

MARK: CINTRON

77807941

CORRESPONDENT ADDRESS:

ROBERT R. AXENFELD
MONTGOMERY, MCCracken, WALKER &
RHOADS,
123 S BROAD ST FL 24
PHILADELPHIA, PA 19109-1099

RESPOND TO THIS ACTION:

<http://www.uspto.gov/teas/eTEASpageD.htm>

GENERAL TRADEMARK INFORMATION:

<http://www.uspto.gov/main/trademarks.htm>

APPLICANT: Cintron Beverage Group, LLC

**CORRESPONDENT'S REFERENCE/DOCKET
NO:**

N/A

CORRESPONDENT E-MAIL ADDRESS:

raxenfeld@mmwr.com

OFFICE ACTION

TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE ISSUE/MAILING DATE.

ISSUE/MAILING DATE: 11/23/2009

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

SEARCH OF OFFICE'S DATABASE OF MARKS

The trademark examining attorney has searched the Office's database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d). TMEP §704.02; *see* 15 U.S.C. §1052(d).

SECTION 2(e)(4) REFUSAL – PRIMARILY MERELY A SURNAME

Registration is refused because the applied-for mark is primarily merely a surname. Trademark Act Section 2(e)(4), 15 U.S.C. §1052(e)(4); *see* TMEP §1211. The primary significance of the mark to the purchasing public determines whether a term is primarily merely a surname. *In re Etablissements Darty et Fils*, 759 F.2d 15, 17-18, 225 USPQ 652, 653 (Fed. Cir. 1985); *In re Kahan & Weisz Jewelry Mfg. Corp.*, 508 F.2d 831, 832, 184 USPQ 421, 422 (C.C.P.A. 1975); *see* TMEP §§1211, 1211.01.

Please see the attached evidence from 411.com, establishing the surname significance of the surname Cintron. This evidence shows the applied-for mark appearing substantially in excess of 300 times as a surname in a nationwide telephone directory of names.

A mark deemed primarily merely a surname may be registered on the Principal Register under Trademark Act Section 2(f) by satisfying one of the following:

(1) Submit a claim of ownership of one or more prior registrations on the Principal Register for a mark that is the same as the mark in the application and for the same or related goods and/or services. 37 C.F.R. §2.41(b); TMEP §§1212, 1212.04. The following wording is suggested: **"The mark has become distinctive under Section 2(f) of the goods or services as evidenced by ownership of U.S. Registration No(s). [indicate] on the Principal Register for the same mark for the same or related goods and/or services."** TMEP §1212.04(e).;

(2) Submit the following statement, verified with an affidavit or signed declaration under 37 C.F.R. §§2.20, 2.33: **"The mark has become distinctive of the goods and/or services through applicant's substantially exclusive and continuous use in commerce for at least the five years immediately before the date of this statement."** 37 C.F.R. §2.41(b); TMEP §1212.05(d).; or

(3) Submit actual evidence of acquired distinctiveness. 37 C.F.R. §2.41(a); TMEP §1212.06. Such evidence may include the following: examples of advertising and promotional materials that specifically promote the applied-for mark as a trademark and/or service mark in the United States; dollar figures for advertising devoted to such promotion;

dealer and consumer statements of recognition of the applied-for mark as a trademark and/or service mark; and any other evidence that establishes recognition of the applied-for mark as a source-identifier for the goods and/or services. *See In re Ideal Indus., Inc.*, 508 F.2d 1336, 184 USPQ 487 (C.C.P.A. 1975); *In re Instant Transactions Corp. of Am.*, 201 USPQ 957 (TTAB 1979); TMEP §§1212.06 *et seq.*

Trademark Act Section 2(f), 15 U.S.C. §1052(f); *see* 37 C.F.R. §2.41; TMEP §§1211, 1212.

If applicant cannot satisfy one of the above, applicant can amend the application to seek registration on the Supplemental Register. Trademark Act Section 23, 15 U.S.C. §1091; *see* 37 C.F.R. §§2.47, 2.75(a).

CLAIM OF OWNERSHIP OF REGISTRATIONS

If applicant is the owner of U.S. Registration Nos. 3600401 and 3410949, then applicant must submit a claim of ownership. *See* 37 C.F.R. §2.36; TMEP §812. The following standard format is suggested:

Applicant is the owner of U.S. Registration Nos. 3600401 and 3410949.

If applicant has questions about its application or this Office action, please contact the assigned trademark examining attorney at the telephone number below.

/Mark T. Mullen/
Examining Attorney
Law Office 111
phone (571) 272-9201
fax (571) 273-9111

RESPOND TO THIS ACTION: Applicant should file a response to this Office action online using the form at <http://www.uspto.gov/teas/eTEASpageD.htm>, waiting 48-72 hours if applicant received notification of the Office action via e-mail. For *technical* assistance with the form, please e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned examining attorney. **Do not respond to this Office action by e-mail; the USPTO does not accept e-mailed responses.**

If responding by paper mail, please include the following information: the application serial number, the mark, the filing date and the name, title/position, telephone number and e-mail address of the person signing the response. Please use the following address: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.

STATUS CHECK: Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at <http://tarr.uspto.gov>. When conducting an online status check, print and maintain a copy of the

complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.

Print: Nov 23, 2009

78928691

DESIGN MARK

Serial Number

78928691

Status

REGISTERED

Word Mark

CINTRON ENERGY ENHANCER

Standard Character Mark

Yes

Registration Number

3600401

Date Registered

2009/03/31

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Cintron Beverage Group, LLC LIMITED LIABILITY COMPANY DELAWARE 7400
Brewster Avenue Philadelphia PENNSYLVANIA 19153

Goods/Services

Class Status -- ACTIVE. IC 032. US 045 046 048. G & S: Energy
drinks; Sports drinks. First Use; 2006/08/01. First Use In Commerce;
2006/08/01.

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "ENERGY ENHANCER" APART
FROM THE MARK AS SHOWN.

Filing Date

2006/07/13

Examining Attorney

KAUFMAN, LAURIE

Attorney of Record

Jeffrey Zucker

Cintron Energy Enhancer

Print: Nov 23, 2009

78951185

DESIGN MARK

Serial Number
78951185

Status
REGISTERED

Word Mark
CINTRON 21

Standard Character Mark
Yes

Registration Number
3410949

Date Registered
2008/04/08

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(4) STANDARD CHARACTER MARK

Owner
Cintron Beverage Group, LLC LIMITED LIABILITY COMPANY DELAWARE 7400
Brewster Avenue Philadelphia PENNSYLVANIA 19153

Goods/Services
Class Status -- ACTIVE. IC 032. US 045 046 048. G & S: Energy
drinks; Sports drinks. First Use: 2006/08/01. First Use In Commerce:
2006/08/01.

Filing Date
2006/08/14

Examining Attorney
WEBSTER, MICHAEL

Attorney of Record
Jeffrey Zucker

Cintron 21

SEARCH FAMILY TREES:

First Name (Optional) Last Name:

Search

OneClickFamily



First Name

CINTRON

Search

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Newspapers (6 titles)	70
Registro Central de Esclavos (100% complete)	70
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FBI Case Files (99% complete)	2
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ALLAN CINTRON				View Details
ALEX CINTRON				View Details
ANGEL CINTRON	27			View Details
ANTHONY CINTRON	36			View Details

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Clinton, A
300 Seven Hickories Rd
Clayton, DE 19938-3294
(302) 659-3562
[Listing Detail](#)

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HOME LISTING

Clinton, A
1846 Whitney Way
Winter Park, FL 32792-1415
(407) 678-2956
[Listing Detail](#)

SPONSORED LINKS

[Lookup Background Info for A Clinton.](#)
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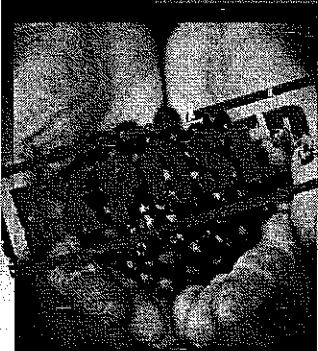
HOME LISTING

Clinton, A
5962 Brookside Dr SE
Mableton, GA 30126-2893
[Listing Detail](#)

SPONSORED LINKS

[Lookup Background Info for A Clinton.](#)
[View Pics of Mableton Sinclair](#)
FOR SALE [Mableton Home Search](#)











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	HOME LISTING Cintron, A 7754 W Garland Ct Frankfort, IL 60423-6964 Listing Detail	SPONSORED LINKS Lookup Background Info for A Cintron View Pics of Frankfort Singles  Frankfort Home Search  View A Cintron's Profile	
	HOME LISTING Cintron, A 22 W Ninth St Boston, MA 02127-2544 Listing Detail	SPONSORED LINKS Lookup Background Info for A Cintron View Pics of Boston Singles  Boston Home Search  View A Cintron's Profile	
	HOME LISTING Cintron, A 14 Mulberry St Haverhill, MA 01830-3915 Listing Detail	SPONSORED LINKS Lookup Background Info for A Cintron View Pics of Haverhill Singles  Haverhill Home Search  View A Cintron's Profile	
	HOME LISTING Cintron, A 60 Pilling St Haverhill, MA 01832-5318 Listing Detail	SPONSORED LINKS Lookup Background Info for A Cintron View Pics of Haverhill Singles  Haverhill Home Search  View A Cintron's Profile	
	HOME LISTING Cintron, A 19 Glendell Ter Springfield, MA 01108-1208	SPONSORED LINKS Lookup Background Info for A Cintron View Pics of Springfield Singles 	

Springfield, MA 01109-1200
(413) 788-6316
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HOME LISTING
Clinton, A
162 Quincy St
Springfield, MA 01109-3611
(413) 788-6316
[Listing Detail](#)

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[View Pics of Springfield Singles](#)

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HOME LISTING
Clinton, A
15 Nursery St
Springfield, MA 01104-3724
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Annel Clinton	Colorado Springs	CO	27	View Details
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[Wellford](#)

Cindy Gee	Lyman Hall High School	Wallingford, CT	View Info
Eileen Cintron	Rafael C. Y. Molina Intermediate School 194	Bronx, NY	View Info
Esmeralda Rothenberg	Herbert H. Lehman High School 405	Bronx, NY	View Info

[View All Alumni Profiles for Cintron](#)

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Text View

Map View

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HOME LISTING

Cintron, Alfi

9220 Weathersfield Dr
Bristow, VA 20136-1712
(571) 222-7390

Listing Detail

SPONSORED LINKS

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FOR SALE

Bristow Property Search

HOME LISTING

Cintron, Ana C

Age: 45-49
4430 Fairview Dr
Christiansburg, VA 24073-6082

Listing Detail

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View Photos of Christiansburg Singles!

FOR SALE

Christiansburg Property Search

HOME LISTING

Cintron, Angela

604 Cavalier Dr
Newport News, VA 23608-1686
(757) 886-0003

Listing Detail

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Newport News Property Search

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"I CURED My Yellow Teeth!"

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HOME LISTING

Cintron, Angela
925 Churchill Ln
Newport News, VA 23608-7728
[Listing Detail](#)

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[Lookup Background Info for Angela Cintron](#)
[View Photos of Newport News Singles!](#)



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HOME LISTING

Cintron, Angelo
604 Cavalier Dr
Newport News, VA 23608-1686
(757) 886-0003
[Listing Detail](#)

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[Lookup Background Info for Angelo Cintron](#)
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HOME LISTING

Cintron, Anna M
Age: 45-49
13228 Guildtown Pl
Bristow, VA 20136 5615
[Listing Detail](#)

SPONSORED LINKS

[Lookup Background Info for Anna Cintron](#)
[View Photos of Bristow Singles!](#)



[Bristow Property Search](#)

HOME LISTING

Cintron, Annabelle F
104 N Hope St
Hampton, VA 23663-1749
(757) 723-5769
[Listing Detail](#)

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Cintron, Anthony L
Age: 50-54
507 Hill Ave
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Cintron, Aviles M

2108 Ball St
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11110 Copeland Ct
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Name	City	State	Age	People Report
Barbara Cintron	Alexandria	VA	79	View Details
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Carlos Cintron	Alexandria	VA	77	View Details
Jose Cintron	Alexandria	VA	67	View Details

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Name	School	Location	Alumni Info
Aimee George	Norview High School	Norfolk, VA	View Info
Luis Cintron	US Postal Service	Alexandria, VA	View Info
Rebecca Cintron	Bowling Green High School	Bowling Green, VA	View Info
Guillermo	Rae Field High School	Woodbridge, VA	View Info

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Cintron

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PA

required:

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name	city	state	age	people report
Carlos Clinton	Allentown	PA	39	View Details
Alex Clinton	Allentown	PA	25	View Details
Carmen Clinton	Allentown	PA	50	View Details
Damario Clinton	Allentown	PA	46	View Details

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To: Cintron Beverage Group, LLC (raxenfeld@mmwr.com)
Subject: U.S. TRADEMARK APPLICATION NO. 77807941 - CINTRON - N/A
Sent: 11/23/2009 3:26:54 PM
Sent As: ECOM111@USPTO.GOV
Attachments:

IMPORTANT NOTICE REGARDING YOUR TRADEMARK APPLICATION

Your trademark application (Serial No. 77807941) has been reviewed. The examining attorney assigned by the United States Patent and Trademark Office ("USPTO") has written a letter (an "Office action") on 11/23/2009 to which you must respond (*unless the Office letter specifically states that no response is required*). Please follow these steps:

1. Read the Office letter by clicking on this [link](http://tmportal.uspto.gov/external/portal/tow?DDA=Y&serial_number=77807941&doc_type=OOA&)
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OR go to <http://tmportal.uspto.gov/external/portal/tow> and enter your serial number to access the Office letter. If you have difficulty accessing the Office letter, contact TDR@uspto.gov.

PLEASE NOTE: The Office letter may not be immediately available but will be viewable within 24 hours of this e-mail notification.

2. Contact the examining attorney who reviewed your application if you have any questions about the content of the Office letter (contact information appears at the end thereof).

3. Respond within 6 months, calculated from 11/23/2009 (*or sooner if specified in the Office letter*), using the Trademark Electronic Application System (TEAS) **Response to Office Action form**. If you have difficulty using TEAS, contact TEAS@uspto.gov.

ALERT:

Failure to file any required response by the applicable deadline will result in the **ABANDONMENT** (loss) of your application.

Do NOT hit "Reply" to this e-mail notification, or otherwise attempt to e-mail your response, as the USPTO does NOT accept e-mailed responses.

To: Cintron Beverage Group, LLC (raxenfeld@mmwr.com)
Subject: U.S. TRADEMARK APPLICATION NO. 77807941 - CINTRON - N/A
Sent: 2/18/2010 11:16:46 AM
Sent As: ECOM111@USPTO.GOV
Attachments: [Attachment - 1](#)
[Attachment - 2](#)
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[Attachment - 21](#)

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 77/807941

MARK: CINTRON

77807941

CORRESPONDENT ADDRESS:

ROBERT R. AXENFELD
MONTGOMERY, MCCracken, WALKER &
RHOADS,
123 S BROAD ST FL 24
PHILADELPHIA, PA 19109-1099

RESPOND TO THIS ACTION:

<http://www.uspto.gov/teas/eTEASpageD.htm>

GENERAL TRADEMARK INFORMATION:

<http://www.uspto.gov/main/trademarks.htm>

APPLICANT: Cintron Beverage Group, LLC

CORRESPONDENT'S REFERENCE/DOCKET
NO:

N/A

CORRESPONDENT E-MAIL ADDRESS:

raxenfeld@mmwr.com

OFFICE ACTION

TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE ISSUE/MAILING DATE.

ISSUE/MAILING DATE: 2/18/2010

THIS IS A FINAL ACTION.

This Office action is in response to applicant's communication filed on January 19, 2010.

SECTION 2(e)(4) REFUSAL – PRIMARILY MERELY A SURNAME

The refusal under Trademark Act Section 2(e)(4) is now made FINAL for the reasons set forth below. *See* 15 U.S.C. §1052(e)(4); 37 C.F.R. §2.64(a).

Applicant initially contends the proposed mark CINTRON is a rare surname. The examining attorney must respectfully disagree. The enclosed additional evidence from 411.com clearly indicates the surname CINTRON appears in excess of 100 times in white pages phone books. Further, even if its assumed CINTRON is a rare surname its primary and only significance is that of a surname. No other meaning for the term exists in the application record. Although "CINTRON" appears to be a relatively rare surname, a rare surname may be unregistrable under Trademark Act Section 2(e)(4) if its primary significance to purchasers is that of a surname. *E.g., In re Etablissements Darty et Fils*, 759 F.2d 15, 225 USPQ 652 (Fed. Cir. 1985); *In re Giger*, 78 USPQ2d 1405 (TTAB 2006); *see* TMEP §1211.01(a)(v). **There is no minimum number of telephone directory listings needed to prove that a mark is primarily merely a surname.** *See* TMEP §1211.02(b)(i); *see, e.g., In re Petrin Corp.*, 231 USPQ 902 (TTAB 1986). *See attachments.*

There is no rule as to the kind or amount of evidence necessary to make out a prima facie showing that a term is primarily merely a surname. This question must be resolved on a case-by-case basis. TMEP §1211.02(a); *see, e.g., In re Monotype Corp. PLC*, 14 USPQ2d 1070 (TTAB 1989); *In re Pohang Iron & Steel Co.*, 230 USPQ 79 (TTAB 1986). The entire record is examined to determine the surname significance of a term. The following are examples of evidence that is generally considered to be relevant: telephone directory listings, excerpted articles from computerized research databases, evidence in the record that the term is a surname, the manner of use on specimens, dictionary definitions of the term and evidence from dictionaries showing no definition of the term. TMEP §1211.02(a).

Evidence that a word has no meaning or significance other than as a surname is relevant to determining whether the word would be perceived as primarily merely a surname. *See In re Petrin Corp.*, 231 USPQ 902, 903 (TTAB 1986); TMEP §1211.02(b)(vi). The attached evidence from Onelook.com shows that the word CINTRON does not appear in the dictionary/the atlas/the gazetteer. Thus, this word appears to have no meaning or significance other than as a surname. In fact, the only definition that appears from an

Onelook.com search is that of a surname. The term CINTRON has no meaning in a foreign language, no alternate dictionary meaning and only appears as a surname. The sole and only meaning for the term CINTRON is that of a surname. *See attachments.*

Therefore, for the foregoing reasons, the refusal to register is maintained and made FINAL. Trademark Act Section 2(e)(4).

SUPPLEMENTAL REGISTER

The applied-for mark has been refused registration on the Principal Register. Applicant may respond to the refusal by submitting evidence and arguments in support of registration and/or by amending the application to seek registration on the Supplemental Register. *See* 15 U.S.C. §1091; 37 C.F.R. §§2.47, 2.75(a); TMEP §§801.02(b), 816. Amending to the Supplemental Register does not preclude applicant from submitting evidence and arguments against the refusal(s). TMEP §816.04.

OPTIONS

If applicant does not respond within six months of the date of issuance of this final Office action, the application will be abandoned. 15 U.S.C. §1062(b); 37 C.F.R. §2.65(a). Applicant may respond to this final Office action by:

- (1) Submitting a response that fully satisfies all outstanding requirements, if feasible; and/or
- (2) Filing an appeal to the Trademark Trial and Appeal Board, with an appeal fee of \$100 per class.

37 C.F.R. §§2.6(a)(18), 2.64(a); TBMP ch. 1200; TMEP §714.04.

In certain rare circumstances, a petition to the Director may be filed pursuant to 37 C.F.R. §2.63(b)(2) to review a final Office action that is limited to procedural issues. 37 C.F.R. §2.64(a); TMEP §714.04; *see* 37 C.F.R. §2.146(b); TBMP §1201.05; TMEP §1704 (explaining petitionable matters). The petition fee is \$100. 37 C.F.R. §2.6(a)(15).

If applicant has questions about its application or this Office action, please contact the assigned trademark examining attorney at the telephone number below.

/Mark T. Mullen/
Examining Attorney
Law Office 111
phone (571) 272-9201
fax (571) 273-9111

RESPOND TO THIS ACTION: Applicant should file a response to this Office action online using the form at <http://www.uspto.gov/teas/eTEASpageD.htm>, waiting 48-72 hours if applicant received notification of the Office action via e-mail. For *technical* assistance with the form, please e-mail

TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned examining attorney. **Do not respond to this Office action by e-mail; the USPTO does not accept e-mailed responses.**

If responding by paper mail, please include the following information: the application serial number, the mark, the filing date and the name, title/position, telephone number and e-mail address of the person signing the response. Please use the following address: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.

STATUS CHECK: Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at <http://tarr.uspto.gov>. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.

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3. [Cintron](#) LookWA:Yup Translating Dictionary/Thesaurus [[home](#), [info](#)]

Quick definitions (*Cintron*)

☐ **name:** A surname (common: 1 in 25000 families; popularity rank in the U.S.: #2801)

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Cintron

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Conchita Cintron was a lone woman in a macho profession might also have made a feature film despite the antipathy of many to her chosen sport, bull fighting.

— BBC News | News Front Page | World Edition

Examples

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Conchita **Cintron** was a lone woman in a macho profession might also have made a feature film despite the antipathy of many to her chosen sport, bull fighting. — *BBC News | News Front Page | World Edition*

Cintron is a good fighter, winning his last bout, but he doesn't have the big name to give Shane one last big payday and BIC fight. — *Battle Red Blog*

Jose A. Morales-Cintron, 300 block of Pine Street, \$30,000 — *Berks county news*

He withdrew from the Williams fight and instead took a rematch with Antonio Margarito [the winner of Margarito-Cintron was contractually guaranteed a shot at Miguel Cotto that July]. — *BoxingScene.com*

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Cintron has been looked up 24 times, favorited 0 times, listed 0 times, commented on 0 times, and is not a valid Scrabble word.

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UNIDENTIFIED FEMALE: Edna Cintron (ph) — CNN Transcript Sep 11, 2004

More examples »


Definitions (0)

 American Heritage Dictionary

 Century Dictionary

 Grok! Webster's 1913

 WordNet

 Elsewhere on the web



916Chris: Stacked show tonight, scheduled guests are Sergio Martinez, Kermil Cintron, and Jose Benavidez. www.hnptalkradio.com/laava-ii-in-the-ring (Thu, February 18, 04:11 AM)

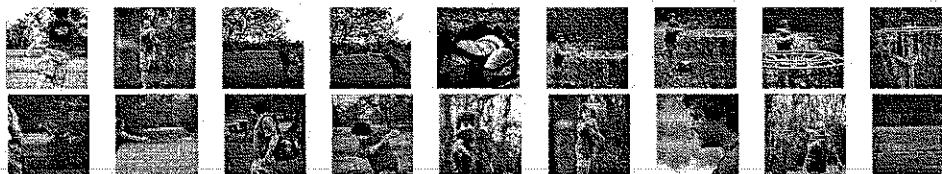


SilverJingles: Borough president taps new BOEDC president Marlene Cintron, tapped to run the Bronx Overall Economic Development. <http://nohja.com/x7ahM/> (Thu, February 18, 01:16 AM)



dja2law: Borough president taps new BOEDC president Marlene Cintron, tapped to run the Bronx Overall Economic Development. <http://oohja.com/x7eaY/> (Thu, February 18, 01:01 AM)

Photos from flickr



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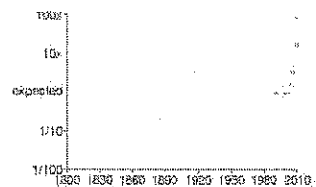
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Bubble height: used more or less than expected, vs. all uses evenly distributed

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Definitions of *Cintron*:

- **name:** A surname (common: 1 in 25000 families; popularity rank in the U.S.: #2801)

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Cintron (definition)

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Definition of Cintron

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Pin has name. (pin) look in the U.S. (s) 2801

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citrons	(found in 2 dictionaries)
citroen	(found in 2 dictionaries)
continui	(found in 3 dictionaries)
cortina	(found in 5 dictionaries)
cretino	(found in 6 dictionaries)
cornetin	(found in 3 dictionaries)
carotin	(found in 3 dictionaries)



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cint*	to search for words beginning with <i>cint</i> , or
*tron	to search for words ending with <i>tron</i>

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First Name

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Cintron

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A Cintron

PHOTO

7754 W Garland Ct

Frankfort, IL

A Cintron

PHOTO

14 Mulberry St

Haverhill, MA

A Cintron

PHOTO

60 Pilling St

Haverhill, MA

A Cintron

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15 Nursery St

Springfield, MA

A Cintron

PHOTO

452 Plainfield St

Springfield, MA

A Cintron

PHOTO

84 Edison St

Pointe Claire, MI

Household: Frida Cintron



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Do NOT BLEACH

Learn 1 simple trick discovered by a mom to turn yellow teeth white. [Learn more](#)

84 Edison St Pontiac, MI Household: Enelida Cintron

A Cintron

PHONE

424 High St Perth Amboy, NJ Age: 35-39 Household: William M Cintron, Candida Cintron

A Cintron

PHONE

3518 Bainbridge Ave Bronx, NY

A Cintron

PHONE

2105 79th St Brooklyn, NY

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177 Sunflower Ln Isländia, NY Household: Rosa H Cintron

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Name	City	State	Email	People Report
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Amelia Cintron	Manteca	CA	Available	View Details
Isam Cintron			Available	View Details

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Josue Cintron	Eugenio Maria De Hostos High School	Mayaguez, OV	View Info
James Cintron	Bronx High School of Science	Bronx, NY	View Info

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A Cintron

PHONE

1229 Notchbrook Rd Stowe, VT

A R Cintron

PHONE

879 Argus Ct Bethlehem, PA

Abel Cintron

PHONE

242 E Shellcracker Rd Jesup, GA

Abel Cintron

PHONE

2200 Tiebout Ave Bronx, NY

Abel L Cintron

PHONE

1457 Margarete Crescent, Apopka, FL Age: 45-49
Household: Nicholas Cintron

Abelino E Cintron

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1902 Cartier St Flint, MI Age: 65+

Abigail Cintron

1800 Armory Dr, Apt F2 Utica, NY Household: Elys Cintron

Abigail Cintron

47 Roses Farm Rd East Haven, CT Job: Yolaby Inc, President

Abigail Cintron

3835 Whitney Ave Hamden, CT Job: Subway, Owner

Abigail Cintron

1350 Dixwell Ave Hamden, CT Job: Subway, Owner

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Jesus Clinton	Eugenio Maria De Hostos High School	Mayaguez, OV	View Info
James Clinton	Bronx High School of Science	Bronx, NY	View Info

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Abigail Cintron

PHONE

PO Box 340323

Hartford, CT

Age: 30-34

Abigail Cintron Jr

PHONE

193 Whalley Ave

New Haven, CT

Job: Feliz Lic, Member

Abigail Cintron

PHONE

315 Faxon Blvd

New Haven, CT

Job: Subway, Manager

Abigail Cintron

PHONE

191 Spring St

Wethersfield, CT

Abigail Cintron

PHONE

29 S Oxalis Dr

Orlando, FL

Age: 25+

Household: Domingo Cintron

Abigail Cintron

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45 Beaver Terrace Cir Framingham, MA Age: 45-49

Abigail Cintron

2836 N Third St Philadelphia, PA Age: 35-39
Household: Alberto Cintron

Abigail C Cintron

7707 Acadian Dr Orlando, FL Age: 65+
Household: Ruben A Cintron

Abigato Cintron

66 York St New Haven, CT Job: Subway Sandwiches & Salads, Owner

Abimael Cintron

1159 Eagle Dr Salinas, CA Household: Jamie M Cintron, Luz S Cintron, Nath

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Rene Cintron	New Orleans	LA	Available	View Details
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KETH CINTRON			Available	View Details

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Josue Cintron	Eugenio Maria De Hostos High School	Mayaguez, OV	View Info
James Cintron	Bronx High School of Science	Bronx, NY	View Info

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Abner Cintron

PHONE

39 Passaic Ave, Fl 1

Nutley, NJ

Age: 25-29

Abner Cintron

PHONE

1242 Prendergast Ave

Jamestown, NY

Household: Felix Cintron

Abner N Cintron

PHONE

6921 Cypress Rd,
Apt C19

Plantation, FL

Age: 65+

Household: Elsie Cintron

Abraham Cintron Jr

PHONE

2717 N Fairhill St

Philadelphia, PA

Age: 50-54

Abraham Cintron

PHONE

682 Calle Cebras Fajardo
Street Cepr Calle

Fajardo, PR

Job: Abraham Cintron Santiago, Owner

Abrahana R Cintron

PHONE

3219 Silver Lake Ct Kissimmee, FL

Ada Cintron

341 N Broad St Lancaster, PA Household: Eddie Cintron, Nilda E Rivera-Cintron

Ada B Cintron

24 Van Wagenen St Newark, NJ Household: Luis A Cintron, Pedro T Sierra, Bract

Ada I Cintron

2864 Muscatello St Orlando, FL Age: 85+ Household: Angel R Cintron; Edward Cintron, Rec

Ada S Cintron

209 Taaffe Pl Brooklyn, NY

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Angel Cintron	Colorado Springs	CO	27	View Info

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Rene Cintron	New Orleans	LA	Available	View Details
Demaris Cintron	Sunrise	FL	Available	View Details
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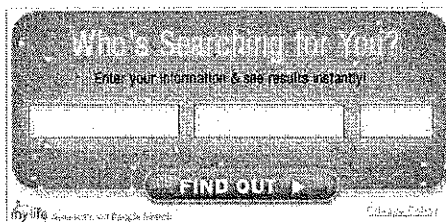
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Yvonne Cintron	Segundo Ruiz Bello High School	Hormigueros, OV	View Info
Luisa Escobar	Cachique Altaboana Superior Escuelas	Bayamon, OV	View Info
Joana Cintron	Eugenio Maria De Hostos High School	Mayaguez, OV	View Info
James Cintron	Bronx High School of Science	Bronx, NY	View Info

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Adelina C Cintron

[PHONE](#)

755 White Plains Rd., Apt 16C Bronx, NY Age: 35-39

Adelina C Cintron

[PHONE](#)

PO Box 1785 Canyon Lake, TX Age: 55-59
Household: Jose M Cintron

Adolph J Cintron Jr

[PHONE](#)

1863 82nd St Brooklyn, NY Household: Adolph Cintron

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1863 82nd St Brooklyn, NY Household: Adolph Cintron

Adminda Cintron PHONE

1026 Brentwood Way, Atlanta, GA
Apt B

Adminda Cintron PHONE

1803 Holland Ave Bronx, NY Household: Norma I Cintron

Adminda Cintron PHONE

3606 Peronne Ave Norfolk, VA

Adolfo R Cintron PHONE

7812 Sagebrush Pl Orlando, FL Age: 40-44
Household: Josefina A Cintron, Fe Acosta, Magda

Adolph Cintron PHONE

1863 82nd St Brooklyn, NY Household: Adolph J Cintron

Adrian Cintron PHONE

1364 Raintree End, Clermont, FL
Apt 307 Household: Deanie Cintron

Adrian Cintron PHONE

6113 Westgate Dr, Orlando, FL Job: Detailing Traffic, Chief Executive Officer
Apt 1426

To: Cintron Beverage Group, LLC (raxenfeld@mmwr.com)
Subject: U.S. TRADEMARK APPLICATION NO. 77807941 - CINTRON - N/A
Sent: 2/18/2010 11:16:50 AM
Sent As: ECOM111@USPTO.GOV
Attachments:

IMPORTANT NOTICE REGARDING YOUR TRADEMARK APPLICATION

Your trademark application (Serial No. 77807941) has been reviewed. The examining attorney assigned by the United States Patent and Trademark Office ("USPTO") has written a letter (an "Office action") on 2/18/2010 to which you must respond (*unless the Office letter specifically states that no response is required*). Please follow these steps:

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OR go to <http://tmportal.uspto.gov/external/portal/tow> and enter your serial number to access the Office letter. If you have difficulty accessing the Office letter, contact TDR@uspto.gov.

PLEASE NOTE: The Office letter may not be immediately available but will be viewable within 24 hours of this e-mail notification.

2. Contact the examining attorney who reviewed your application if you have any questions about the content of the Office letter (contact information appears at the end thereof).

3. Respond within 6 months, calculated from 2/18/2010 (*or sooner if specified in the Office letter*), using the Trademark Electronic Application System (TEAS) **Response to Office Action form**. If you have difficulty using TEAS, contact TEAS@uspto.gov.

ALERT:

Failure to file any required response by the applicable deadline will result in the **ABANDONMENT** (loss) of your application.

Do NOT hit "Reply" to this e-mail notification, or otherwise attempt to e-mail your response, as the USPTO does NOT accept e-mailed responses.

To: Cintron Beverage Group, LLC (raxenfeld@mmwr.com)
Subject: U.S. TRADEMARK APPLICATION NO. 77807941 - CINTRON - N/A
Sent: 8/5/2010 10:39:30 AM
Sent As: ECOM111@USPTO.GOV
Attachments:

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

APPLICATION SERIAL NO. 77/807941

MARK: CINTRON

77807941

CORRESPONDENT ADDRESS:

ROBERT R. AXENFELD
MONTGOMERY, MCCracken, WALKER &
RHOADS,
123 S BROAD ST FL 24
PHILADELPHIA, PA 19109-1099

CLICK HERE TO RESPOND TO THIS LETTER:

<http://www.uspto.gov/teas/eTEASpageD.htm>

APPLICANT: Cintron Beverage Group, LLC

**CORRESPONDENT'S REFERENCE/DOCKET
NO:**

N/A

CORRESPONDENT E-MAIL ADDRESS:

raxenfeld@mmwr.com

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW.

ISSUE/MAILING DATE: 8/5/2010

This Office action is in response to applicant's communication filed on July 2, 2010. It appears based upon applicant's response that applicant intends to seek registration under Trademark Act Section 2(f) but does not specifically state so for the record. Therefore, the following is advised.

SECTION 2(f) ACQUIRED DISTINCTIVENESS

If applicant believes that its mark has acquired distinctiveness, that is, that it has become a distinctive source-indicator for the goods and/or services, applicant may seek registration on the Principal Register

under Trademark Act Section 2(f). See 15 U.S.C. §1052(f). The Office will decide each case on its own merits.

In determining whether the proposed mark has acquired distinctiveness, the following factors are generally considered: (1) length and exclusivity of use of the mark in the United States by applicant; (2) the type, expense and amount of advertising of the mark in the United States; and (3) applicant's efforts in the United States to associate the mark with the source of the goods and/or services, such as unsolicited media coverage and consumer studies. See *In re Steelbuilding.com*, 415 F.3d 1293, 1300, 75 USPQ2d 1420, 1424 (Fed. Cir. 2005). A showing of acquired distinctiveness need not consider all of these factors, and no single factor is determinative. *In re Steelbuilding.com*, 415 F.3d at 1300, 75 USPQ2d at 1424; see TMEP §§1212 *et seq.*

Evidence of acquired distinctiveness may include specific dollar sales under the mark, advertising figures, samples of advertising, consumer or dealer statements of recognition of the mark as a source identifier, affidavits, and any other evidence that establishes the distinctiveness of the mark as an indicator of source.

See 37 C.F.R. §2.41(a); *In re Ideal Indus., Inc.*, 508 F.2d 1336, 184 USPQ 487 (C.C.P.A. 1975); *In re Instant Transactions Corp.*, 201 USPQ 957 (TTAB 1979); TMEP §§1212.06 *et seq.*

The burden of proving that a mark has acquired distinctiveness is on the applicant. *Yamaha Int'l Corp. v. Yoshino Gakki Co.*, 840 F.2d 1572, 6 USPQ2d 1001, 1004 (Fed. Cir. 1988); *In re Meyer & Wenthe, Inc.*, 267 F.2d 945, 122 USPQ 372 (C.C.P.A. 1959); TMEP §1212.01. An applicant must establish that the purchasing public has come to view the proposed mark as an indicator of origin.

Allegations of sales and advertising expenditures do not per se establish that a term has acquired significance as a mark. An applicant must also provide the actual advertising material so that the examining attorney can determine how the term is used, the commercial impression created by such use, and the significance the term would have to prospective purchasers. TMEP §1212.06(b); see *In re Boston Beer Co.*, 198 F.3d 1370, 53 USPQ2d 1056 (Fed. Cir. 1999); *In re Packaging Specialists, Inc.*, 221 USPQ 917, 920 (TTAB 1984).

The ultimate test in determining acquisition of distinctiveness under Trademark Act Section 2(f) is not applicant's efforts, but applicant's success in educating the public to associate the claimed mark with a single source. TMEP §1212.06(b); see *In re Packaging Specialists*, 221 USPQ at 920; *In re Redken Labs., Inc.*, 170 USPQ 526 (TTAB 1971).

SURNAME REFUSAL

The refusal under Trademark Act Section 2(e)(4) is maintained. See 15 U.S.C. §1052(e)(4); 37 C.F.R. §2.64(a).

If applicant has questions about the application or this Office action, please telephone the assigned trademark examining attorney at the telephone number below.

/Mark T. Mullen/
Examining Attorney

Law Office 111
phone (571) 272-9201
fax (571) 273-9111

TO RESPOND TO THIS LETTER: Use the Trademark Electronic Application System (TEAS) response form at <http://teasroa.uspto.gov/roa/>. Please wait 48-72 hours from the issue/ mailing date before using TEAS, to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail TEAS@uspto.gov.

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using Trademark Applications and Registrations Retrieval (TARR) at <http://tarr.uspto.gov/>. Please keep a copy of the complete TARR screen. If TARR shows no change for more than six months, call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS: Use the TEAS form at <http://www.uspto.gov/teas/eTEASpageE.htm>.

To: Cintron Beverage Group, LLC (raxenfeld@mmwr.com)
Subject: U.S. TRADEMARK APPLICATION NO. 77807941 - CINTRON - N/A
Sent: 8/5/2010 10:39:35 AM
Sent As: ECOM111@USPTO.GOV
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OR go to <http://tmportal.uspto.gov/external/portal/tow> and enter your serial number to access the Office letter. If you have difficulty accessing the Office letter, contact TDR@uspto.gov.

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Cintron Band

Cintron invites you to enjoy the Latin-pop sounds of The Cintron Band lead by percussionist Edgardo Cintron.

Our refreshing iced teas, fruit drinks, and great tasting Liquid Energy shots and drinks are named Cintron in honor of this common Latin surname and in tribute to Edgardo Cintron.

Visit our [happenings and events](#) page to see where The Cintron Band will be next appearing. And in the meantime, pour yourself a Cintron over ice and enjoy a pop of Latin-inspired refreshment.



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About Us

Our Thirst Quenching Road to Success

Cintron Beverages started in 2006, when Wes Wyatt, an innovator and business developer asked: "Wouldn't it be cool if we created an energy drink that actually tasted good?"

This new drink would need to be created with only natural flavors and have a taste that was as appealing as the burst you got from the energy-enhancing ingredients. The company turned first to the popular sweet, tangy, and refreshing flavors of citrus. They found additional inspiration with tropical fruits along with the vibrancy of Latin-inspired recipes. Cintron Original was the result.

The name Cintron, dubbed for a popular Latin surname, embodies the energy and flavors of this growing beverage company. With the success of the Cintron Original, the company extended their winning formula for developing great-tasting products to iced teas, fruit ades, and the industry's best tasting line of energy drinks. With fresh flavors like Pineapple Passion, Tropical Azul, Cranberry Splash, Citrus Mango, and Original Citrus, stores can't keep their shelves stocked.

As successor to his father since 2008, CEO Rich Wyatt has maintained effective sales and marketing strategies, securing Cintron as a premium lifestyle brand that embodies fun, energy, a commitment to health, and above all, great taste.

We at Cintron are proud to be a growing beverage company. Our diversified portfolio of premium beverages satisfies the palettes of an expanding customer base who are seeking premium beverages made from natural ingredients. With innovative products and exceptional flavors, Cintron continues to savor success each step of the way.

Experience the flavor of Cintron!



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A unique energy flavor, one sip of Pineapple Passion Liquid Energy will whisk you away to an island paradise!

A Citrus blend that will keep you going all day. Cintron Original Liquid Energy is also a great mixer!

Cranberry Splash Liquid Energy has bold flavor that is exquisitely tart and is a winner every time!

With Latin flavor this great, Citrus Mango Liquid Energy will make you say Muy Bueno!

All the flavor of Tropical Azul Liquid Energy without the sugar!

Tropical Azul Liquid Energy is an explosion of exotic fruit punch flavors!

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Registration No. **3,410,949**
For the Mark: **CINTRON 21**

Registered on April 8, 2008 in International Class 032

VEDOZI INVESTMENT (PTY) LTD.,
a South African corporation

Petitioner,

v.

CINTRON BEVERAGE GROUP, LLC,
a Delaware limited liability company

Registrant

Cancellation No.: _____

Interlocutory Attorney:

CERTIFICATE OF SERVICE

I, Jeremy D. Bisdorf, do hereby certify that on March 26, 2013, a true and complete copy of the **PETITION FOR CANCELLATION** and this **CERTIFICATE OF SERVICE** has been served upon the registrant of the above mentioned trademark registration by means of United States Express Mail – Post Office to Addressee:

Cintron Beverage Group, LLC
7400 Brewster Avenue
Philadelphia, Pennsylvania 19153

/jdb/

Jeremy D. Bisdorf
Jaffe, Raitt, Heuer & Weiss, P.C.
201 S. Main St., Suite 300
Ann Arbor, MI 48104-2176
Telephone: (734) 222-4776
Facsimile: (248) 351-3082